

CHAPTER 18
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Part 1

Sanitary Sewer Regulations

§101. Title. This Part I shall be known as and designated "Logan Township Sanitary Sewer Ordinance". (Ord. 6-28-73, 6/28/1973, §1)

§102. Definitions. Unless the context specifically indicates otherwise, the meanings of the terms used in this Part shall be as follows:

ACT or "THE ACT" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

AUTHORITY - Central Blair County Sanitary Authority.

ABNORMAL INDUSTRIAL WASTE - any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purposes of this Chapter any industrial waste containing more than three hundred fifty (350) parts per million of suspended solids, or having a B.O.D. in excess of three hundred (300) parts per million, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

APPROVING AUTHORITY - the Board of Supervisors of the Township of Logan or its duly authorized agent or representative.

B.O.D. - of sewage or industrial waste shall designate its "Biochemical Oxygen Demand" and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in five (5) days at 20°C, expressed in parts per million by weight. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the examination of Water and Sewage published by the American Public Health Association.

BUILDING OR HOUSE - shall include but not be limited to any house, mobile home, school, church, hospital or commercial or industrial structure.

BUILDING DRAIN - the part of the lowest horizontal piping or drainage system or discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the outer face or wall of the building.

BUILDING SEWER - the extension from the building drain to the lateral of a public sewer.

CATEGORICAL STANDARDS - the National Categorical Pretreatment Standards or Pretreatment Standards.

CITY OF ALTOONA DISTRICT - Any Building or House and/or Residential

Equivalent and/or commercial and/or industrial unit serviced by a Public Sanitary Sewerage System whereby sewage emanating therefrom is treated by the City of Altoona/Altoona City Authority and for which the City of Altoona/Altoona City Authority charges and bills the Township of Logan. (Ord. 2-18-93)

COMMONWEALTH - the Commonwealth of Pennsylvania.

CONNECTION FEE - shall have the same meaning as found under 53 Pa. Stat. Ann. §306 (t)(1)(i) and as the said fee maybe established by the Township from time to time. (Ord. 12-16-93)

ELDORADO SPRINGS SEWER DISTRICT - That area of Logan Township having been developed pursuant to development plans submitted as Eldorado Springs Development and such other areas as may be assigned by the Township whereby any Building or House and/or Residential Equivalent and/or commercial and/or industrial unit is serviced by a Public Sanitary Sewerage System wherein sewage emanating from said area is conveyed through sewer lines owned by the Township of Logan and/or Central Blair County Sanitary Authority for ultimate disposal at the City of Altoona/Altoona City Authority sewerage system. (Ord. 02-09-95)

ENVIRONMENTAL PROTECTION AGENCY or EPA - the U. S. Environmental Protection Agency, or where appropriate the term may also be as a designation for the Administrator or other duly authorized official of said agency.

FRANKSTOWN TOWNSHIP SEWER DISTRICT - That area of Logan Township whereby any Building or House and/or Residential Equivalent and/or commercial and/or industrial unit is serviced by a Public Sanitary Sewerage System wherein sewage emanating from said area is conveyed through sewer lines owned by the Frankstown Township Sewer Authority and/or Frankstown Township for ultimate disposal at the Borough of Hollidaysburg sewerage system. (Ord. 9-15-94A)

GARBAGE - solid wastes f rom the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GREENWOOD DISTRICT - the north easterly area of the Township where the Authority is now engaged in the project of designing, constructing and laying a Public Sanitary Sewerage System, and any additions thereto.

GREASE TRAP - a chamber installed as part of the Building Sewer, upstream from the Township/Authority Owned Septic Tank for the purpose of removing grease from sanitary sewage. (Ord. 12-16-93)

INDUSTRIAL WASTE - any liquid gaseous or water-borne waste from industrial processes or commercial establishments, as distinct from sanitary sewage.

INNOVATIVE AND ALTERNATIVE DISTRICT - Any Building or House and/or Residential Equivalent and/or any commercial and/or any industrial Building or House and/or Residential Equivalent serviced by a Public Sanitary Sewerage System constructed pursuant to U.S.

Environmental Protection Agency Project No. C-421266-03 (with the exception of any separate District established by the Township which may connect to the Innovative and Alternative District) and/or whereby septic tanks owned by the Township/Township Authority are used, with the exceptions as hereinafter set forth, wherein only effluents emanating therefrom are conveyed through the Public Sanitary Sewerage System and the solids placed in said septic tanks are collected by a collection vehicle and ultimately disposed of at a treatment plant. The Township may, however, include in the Innovative and Alternative District, any Building, House and/or Residential Equivalent, whether residential, commercial and/or industrial in use, in which septic tanks are not used, in those situations deemed necessary in the sole and absolute discretion of the Board of Supervisors by resolution of said Board from time to time. (Ord. 2-18-93; as amended by Ord. 5-16-96)

INSPECTION FEE - The fee established from time to time by the Township for the inspection of the Building Drain and Building Sewer. (Ord. 12-16-93)

INSPECTOR - the person or persons appointed by the Township of Logan to inspect sewage works, including both public, semi-public and private sewers, and including also inspection of building sewers and all other connections between occupied building and the public sewers.

INTERFERENCE - the inhibition or disruption of public sanitary sewerage system's treatment processes or operations which contributes to a violation of any requirements of the Authority's NPDES Permit. This term includes prevention of sewage sludge use or disposal by the public sanitary sewerage system in accordance with §405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, Clean Air Act, the Toxic Substances Control Act or more stringent Commonwealth of Pennsylvania criteria applicable to the method of sludge disposal or use employed by the Township and Authority.

LAKEMONT DISTRICT - the southeasterly area of the Township where a Public Sanitary Sewerage System has heretofore been constructed by the Authority and any additions thereto.

LATERAL - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then a lateral shall mean that portion of, or place in a sewer which is provided for connection of any building sewer.

mg/l - milligram per liter; the milligram per liter multiplied by 8.34 shall be equivalent to pounds per million gallons of water.

MOBILE HOME - any structure intended for or capable of human habitation with or without wheels, and capable of being driven, propelled, transported or towed from place to place. The terms, however, shall not include transport trucks or vans equipped with sleeping space for driver or drivers.

MOBILE HOME PARK - any site, lot or field or tract of land, privately or publicly owned operated, upon which two (2) or more mobile homes, used for living, eating or

sleeping quarters by persons not related to the proprietor or his agent, are, or are intended to be located, whether operated for or without compensation.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **PRETREATMENT STANDARD** - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of person discharging industrial waste into the public sanitary sewerage system.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or **NPDES PERMIT** - a permit issued pursuant to §402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE STANDARD** - any regulation developed under the authority of §307(b) of the Act and 40 CFR §403.5.

OCCUPANT - any person occupying and/or possessing any Building or House pursuant to agreement or otherwise. (Ord. 12-16-93)

OCCUPIED BUILDING - any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage or industrial wastes, or either of them, is or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any building.

PERSON - any individual, firm, company, association, society, corporation or other group or entity.

pH - the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

PLANNING MODULE FOR LAND DEVELOPMENT - The Pennsylvania Department Of Environmental Protection (DEP) promulgated forms to be prepared and filed with DEP by any person required to so file by the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, and/or the Rules and Regulation of DEP. (Ord. 12-16-93)

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a person.

PROPERLY SHREDDED GARBAGE - the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

PUBLIC SANITARY SEWERAGE SYSTEM - all separate sanitary sewers, all

sewage pumping stations, all sewage treatment plants, and all other facilities provided and owned or leased as lessee by the Township of Logan for the collection and transportation of sanitary sewage and industrial wastes with their appurtenances, and any additions, extensions or improvements thereto that may be made or accepted by the Township or the Authority. It shall also include sewers within or outside the Township limits which serve two (2) or more persons and discharge into the Township sanitary sewerage system, even though those sewers may not have been constructed with Township or Authority funds. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff.

PUBLIC SEWER - a sewer which is owned or controlled by the Authority or the Township.

RESIDENTIAL EQUIVALENT - a single dwelling unit including but not limited to individual apartment units or other multi-family dwelling units, having therein at least one kitchen or kitchen facility and one bathroom or powder room.

SANITARY SEWAGE - the normal water-carried household and toilet wastes from residence, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water or ground water.

SANITARY SEWER - a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE - a combination of water-carried waste from residence, business buildings, institutions and industrial establishments.

SEWER a pipe or conduit for carrying sewage and other waste liquids.

SHALL is mandatory and "MAY" is permissive.

SPECIFICATIONS FOR SANITARY SEWERAGE SYSTEM CONSTRUCTION - The standards and requirements adopted by resolution of the Township from time to time for construction, building, installation, repair and maintenance of any and all parts of the Public Sanitary Sewerage System and all other sanitary sewer systems whether privately or publicly owned, maintained, repaired, serviced or otherwise, with the same being regulated by this Chapter 18, Part 1. (Ord. 12-16-93)

STORM SEWER OR STORM DRAIN - a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

STORM WATER RUNOFF - that portion of the rainfall which reaches a drain.

SUSPENDED SOLIDS - solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

TAPPING FEE - shall have the same meaning as found under 53 Pa. Stat. Ann § 306(t)(1)(iii) and as the said fee may be established by the Township or Authority from time to time depending upon which entity has, is, or plans to construct said Public Sanitary Sewerage System. (Ord. 12-16-93)

TOWNSHIP - the Township of Logan, Blair County, Pennsylvania.

TOWNSHIP/AUTHORITY OWNED SEPTIC TANK - a watertight receptacle designed to receive wastewater emanating from a Building, House, mobile home, house trailer and/or any Residential Equivalent, commercial, industrial and/or institutional building or house with said tank providing for solid/liquid separation, providing for solids storage and allowing for clarified liquid discharge for further treatment and disposal of sanitary sewage. (Ord. 12-16-93)

UNPOLLUTED - shall mean any water or waste containing none of the following: emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than ten thousand (10,000) parts per million by weight of dissolved solids of which not more than two thousand five hundred (2,500) parts per million shall be as chloride and not more than ten (10) parts per million each of suspended solids and B.O.D. The color shall not exceed fifty (50) parts per million. Analysis for any of the above-mentioned substances shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association. (Ord. 12-16-93)

WATER COMPANY - any publicly or privately owned duly authorized agency, corporation or organization that supplies water to customers within the limits of the Township.

(Ord. 6-28-73, 6/28/1973, §2; as amended by Ord. 12-27-84, 12/27/1984, §2; by Ord. 2-18-93, 2/18/93, §1; by Ord. 9-15-94A, 9/15/94, §1; by Ord. 2-9-95, 2/9/95, §1; and by Ord. 5-16-96, 5/16/96, §1)

§103. Connections Required.

1. Any occupied Building or House, a portion of which is within one hundred and fifty (150) feet from a Public Sanitary Sewerage System, and on premises now accessible to a Public Sanitary Sewerage System or which may hereafter become accessible to a Public Sanitary Sewerage System shall be connected to said Public Sanitary Sewerage System at the sole cost and expense of the owner and/or occupant as herein set forth. Said connection shall be made by the owner and/or occupant of any such Building or House to the Public Sanitary Sewerage System within sixty (60) days after written notification from the Township/Authority that the connection must be made to the Public Sanitary Sewerage System, in the manner hereinafter provided. Where the sewage cannot flow by gravity from the Building to the Public Sanitary Sewerage System, the owner and/or occupant shall be required to install and maintain at said owners and/or occupants sole cost and expense a pump to pump the sewage into the Public Sanitary Sewerage System with the exception of all areas wherein the Township/Authority installs and maintains such pumps mandated by the

requirements in the Innovative and Alternative Sewer District only. No connections to the Public Sanitary Sewerage System shall be permitted unless sufficient capacity (not committed by agreement to other persons) to adequately convey and treat the sewage to which the new connection will contribute is available. (Ord. 12-16-93 §3)

2. Said sixty (60) day period within which connection to the Public Sanitary Sewerage System must be made as stated in subsection 1 above, may be extended by the Board of Supervisors from time to time, for an additional period not to exceed one hundred twenty (120) days from the said sixtieth (60th) day, due to extreme unfavorable weather conditions as determined in the sole and absolute discretion of said Board. No owner and/or occupant shall be granted an additional period of time as provided herein, unless said owner and/or occupant shall have first, within the original sixty (60) day connection period: (1) paid any and all fees, including but not limited to tax and connection fees; (2) secured a sewer permit; and (3) submitted a copy of a properly executed written agreement with a duly qualified contractor indicating the date within the said additional time period upon which the necessary connection to the Public Sanitary Sewerage System shall occur. (Ord. 12-1-94A, 12/1/94, §1)

§104. Septic Tanks.

1. When connection has been made with the Public Sanitary Sewerage System, the owner and/or occupant of a Building or House, such property shall forthwith abandon any and all privies, privy vault, cesspools, and septic tanks then existing on said premises and shall use them no longer. Any and all connection or connections with the Building or House which has been served shall be disconnected or destroyed in such a manner that sanitary sewage can no longer enter therein. Privies, privy vaults, cesspools and septic tanks shall be emptied and filled in accordance with Township specifications on or before connection to the Public Sanitary Sewerage System. (Ord. 12-16-93, §4)

2. It shall be unlawful for any person to construct, reconstruct or erect any privy, privy vault, cesspool or septic tank or any other type of disposal, receptacle or structure in, on or under any premises accessible to any Public Sanitary Sewerage System in the Township. (Ord. 12-16-93, §4)

3. From and after the passage of this Part 1, it shall be unlawful for any person to connect any privy, privy vault, cesspool, septic tank or any other type of disposal, receptacle or structure to any public sanitary sewerage system in the Township.

4. From and after the passage of this Part 1, it shall be unlawful, in areas where a Public Sanitary Sewerage System has been provided, and where the owner and/or occupant or tenant or occupant of the premises has connected with the Public Sanitary Sewerage System or is, by this Part 1 required so to do, to connect the building with a privy,; privy vault, cesspool, septic tank or other type of disposal, receptacle or structure. (Ord. 6-28-73, 6/28/1973, §4)

§105. Building Service Lines.

1. At such time as the Public Sanitary Sewerage System becomes accessible to any Building or House, the Township shall provide the owner and/or occupant with a written notice, specifying that connection shall be made within sixty (60) days after such notice is given or served upon the

owner and/or occupant, and the Township shall provide with such notice a copy of this Part 1. Such notice may be given or served at any time after a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular Building or House. Such notice may be served personally upon the owner and/or occupant or mailed by certified mail to the owner and/or occupant. (Ord. 12-16-93, §5)

2. The owner and/or occupant shall install the building sewers at their own expense from the building drain to the lateral sewer supplied as part of the Public Sanitary Sewerage System. Maintenance and repair of the building sewer and lateral sewer is the sole responsibility of the owner and/or occupant of the Building or House. Connections to public sewers within any rights-of-way, shall, in all respects, meet the same specifications as when the sewer is in a public street. (Ord. 12-16-93, §5)

3. Except as hereinafter provided, a separate tap-in or connection shall be required for each individual building, whether constructed as a detached unit or as one of a pair or row, but a single building tap-in or connection shall be permitted to serve a school, factory, apartment building or other permanent multiple unit structure with an internal plumbing waste system, which serves such building.

4. A single building tap-in or connection shall be permitted to serve a double house in which the internal plumbing waste system is common to both units or is not readily separable. In such case, a tap-in or connection application shall state the specific conditions of the house to be connected or tapped in.

5. In the event that an existing sanitary sewer or sewer system within a mobile home park or land development, as defined in the Township's Subdivision Ordinance, does not comply with the provisions of §106 of this Chapter, then the owner shall either provide a separate tap-in or connection for each mobile home or Residential Equivalent within the mobile home park or construct and build a sanitary sewer or sewer system within such mobile park in accordance with the provisions of §115 of this Chapter. (Ord. 12-16-93, §5)

6. Sanitary sewer systems within a mobile home park or land development, as defined in the Township's Subdivision Ordinance, established or enlarged on or after 1-1-94 shall conform in all respects to Section 115 of this Chapter 18. (Ord. 12-16-93, §5)

§106. Specifications.

Reserved (Ord. 12-16-93, §6)

§107. Unlawful Use of Sanitary Lines.

1. No basement seepage, floor drain, ground water, drainage, foundation drainage, storm water or other uncontaminated or unpolluted source of water, shall be admitted to the Public Sanitary Sewerage System, nor shall any connection from roofs, gutters, downspouts, pavements, driveways, garages, drains or from any source other than the building drain carrying sewage be discharged into any sanitary sewer. Before attachment to the Public Sanitary Sewerage System, the owner and/or

occupant or applicant for service shall remove any such connections and adequately and properly design the system so as to prevent the entrance of any downspout, roof, surface other extraneous drainage. (Ord. 12-16-93, §7)

2. No cross connection shall be made between the public sanitary sewerage system and the potable water system whereby vacuums or back siphonage could permit sanitary wastes to enter the potable water system. No cross connections shall be made between the public sanitary sewerage system and storm drainage or storm sewers.

3. No person shall connect, cause or permit to be connected with the public sanitary sewerage system, directly or indirectly, any team exhaust, boiler, blow-off, sediment, drip, or any pipe carrying or constructed to carry hot water, acid, germicide, grease, gasoline, naptha, benzine, oil or any other substance detrimental to the public sanitary sewerage system.

4. No person shall connect, cause, or permit to be connected with the public sanitary sewerage system, directly or indirectly, any industrial wastes without complying with the provisions of §111 of this Part 1 and such other reasonable regulations and requirements as the Township may impose from time to time, and without first receiving the written consent of the Township.

5. No existing private sanitary sewer or sewer system shall be permitted to be tapped-in or connected to the Public Sanitary Sewerage System unless such private sanitary sewer or sewer system shall comply with the provisions §106 or §115 of this Part 1.

(Ord. 6-28-73, 6/28/1973, §7)

§108. Right of Inspection. The inspector and other duly authorized representatives and employees of the Township, bearing proper credentials and identification, shall be permitted to enter upon all property for the purpose of inspection, observation, sampling, testing and retesting building drains, sewers, connections and all other matter pertaining to the disposal of sanitary sewage and industrial wastes to insure compliance with the provisions of this Part 1. (Ord. 6-28-73, 6/28/1973, §8)

§109. Procedure.

1. No person shall make or cause to be made, any connection with the Public Sanitary Sewerage System until said person has fulfilled all of the following conditions and procedures:

A. Said person shall have applied for and obtained a sewer permit from the Township. No work shall commence before the issuance of said permit.

B. Said person shall pay such tapping fee, connection fee, inspection fee and expenses as are fixed for said services by the Township or Authority.

C. Said person shall have given the inspector for the Township and/or Authority at least twenty-four (24) hours notice of the time when said person desires to make said connection in order that the said inspector may schedule within five (5) working days the inspection and be present to supervise and inspect the work or connection. The said inspector, after ensuring that all conditions of this Part 1 have been satisfied, shall signify

approval of the connection by endorsing said inspector's name and the date of approval on the aforementioned sewer permit.

D. Said person shall permit and allow the full and complete sewer inspection of all sanitary and drainage arrangements and facilities in the Building(s) and/or House(s) and in and about all parts of said person's property by the Township or Authority's inspector, and in furtherance said person shall give the said inspector access to any part of the Building(s) or House(s) and/or the property on which the same are located, from which the sewage is emanating. In the event that any part of a building sewer is covered before so being inspected and approved, the owner and/or occupant shall be required to uncover the said building sewer at the sole cost and expense of the owner and/or occupant of the Building or House to be connected to the Public Sanitary Sewerage System so as to permit inspection.

E. All work completed pursuant to this Part 1 shall be under the direct supervision and inspection of the inspector appointed by the Township and/or Authority and no building sewer shall be covered over or in any manner concealed until after it is inspected or approved by said inspector.

F. All inspections contemplated pursuant to this subsection, shall be made and scheduled by the inspector during regular business hours of the Township. (Ord. 12-16-93, §8)

2. Building sewers shall be hydrostatically, pneumatically, or smoke-tested for leakage at the discretion of and in the manner required by the Township and/or Authority. (Ord. 12-16-93, §8)

3. No person shall make or cause to be made any repair to any component to a building sewer and/or building drain and/or any other part of the sanitary sewer until said person has paid an inspection fee for said service as fixed by the Township or Authority. Said person shall give the inspector for the Township and/or Authority at least twenty-four (24) hours notice of the time when said person desires to make said repair in order that the said inspector may schedule within five (5) working days the inspection and be present to supervise and inspect the work. The said inspector, after ensuring that all conditions have been satisfied, shall signify approval of the connection by endorsing said inspector's name and the date of approval on the appropriate form. (Ord. 9-19-96, 9/19/96, §1B(10))

(Ord. 6-28-73, 6/28/1973, §9; as amended by Ord. 9-19-96, 9/19/96, §1B(10))

§110. Failure to Connect.

1. If the owner and/or occupant of any building shall neglect or refuse to comply with the provisions of this Part 1, the Township may serve a written notice upon said owner and/or occupant, tenant or party in possession of the premises, requiring said owner and/or occupant to comply in every respect with the provisions of this Part 1.

2. If said owner and/or occupant shall neglect or refuse to comply with this Part 1, the Township may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Part 1, at the cost and expense of such owner and/or occupant, together with ten (10) percent additional thereof and all charges and expenses incident thereto, which sum shall be collected from said owner and/or

occupant for the use of the Township as debts are by law collectible, or the said Township may, by its proper officer, file a municipal claim or lien therefor against said premises as provided by the Act or Acts of Assembly in such cases made and provided.

(Ord. 6-28-73, 6/28/1973, §10)

§111. Admission of Industrial Wastes into Public Sanitary Sewerage System.

1. The economy and desirability of the combined treatment of industrial waste and sanitary sewage is recognized. The treatment facilities of the Township are of the type and design to permit reasonable flexibility in the treatment of various types of industrial wastes. In general, any and all industrial wastes may be discharged to the public sanitary sewerage system except those which are deemed harmful to the system or are specifically prohibited by this Part 1. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewerage system. Industrial Waste discharged into the Altoona City Authority's public sanitary sewerage system shall comply with Article VI and VII of the Altoona City Authority's Wastewater System Regulation (as amended from time to time) entitled, "Industrial Wastewater and Pretreatment", which said Regulations are hereby incorporated herein by this reference. Industrial Waste discharged into the Altoona City Authority's public sanitary sewerage system shall comply with Article IV of the Altoona City Authority's Wastewater System Regulation (as amended from time to time) entitled, "Industrial Wastewater", which said Regulations are hereby incorporated herein by this reference.

(Ord. 5-16-96, 5/16/96, §3)(Ord. 12-16-93, §9).

2. The Township reserves the right to refuse connection to its Public sanitary sewerage system, or to compel discontinuances of the use of such system for deleterious industrial wastes, or to require pretreatment and equalization of flow of such wastes in order to prevent harmful or adverse effect upon the system. The design, construction and operation of such pretreatment and flow equalization facilities shall be made at the sole expense of the person discharging said wastes and subject to the approval of the Township or its designated representatives.

3. In general any industrial waste will be considered harmful to the public sanitary sewerage system that may cause any of the following damaging effects:

A. Chemical reaction either directly or indirectly with the materials of construction of the public sanitary sewerage system in such a manner as to impair the strength or durability of any sewerage structures.

B. Mechanical action that will destroy any sewerage structures.

C. Restriction of the hydraulic capacity of any sewerage structures.

D. Restriction of the normal inspection or maintenance of sewerage structures.

E. Danger to public health and safety.

F. Obnoxious conditions inimical to public interest.

4. When required by the Township, any person discharging to the public sanitary sewerage system industrial wastes or industrial wastes and sanitary sewage together shall install a suitable manhole or manholes on his connecting sewer or sewers to facilities observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole or manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible to the Township or its authorized representatives at all times. The construction and maintenance of such manholes shall be mandatory for the producers of abnormal or substantial industrial wastes.

5. Any person discharging to the public sanitary sewerage system industrial wastes or industrial wastes and sanitary sewage together shall:

A. Permit the employees or authorized representatives of the Township to enter upon the property of the person discharging said wastes at reasonable times for the purpose of making such tests of the industrial wastes or sanitary sewage, making inspections of any facility of the person discharging said waste which contributes wastes to the public sanitary sewerage system and examining and copying any records pertaining to the industrial waste or sanitary sewage discharge or discharges as the Township may deem necessary or appropriate. A representative of the person may accompany any Township inspection of the facilities.

B. (1) Make analyses of the discharge or discharges to the Township's sanitary sewers at intervals required by the Township to insure that the restrictions on the nature or composition of the discharge defined hereinafter are met; (2) furnish to the Township the results of such tests; (3) promptly investigate all complaints made by the Township as to the nature or composition of the wastes discharged to the Township's sanitary sewers; and (4) take steps promptly to exclude, or reduce to acceptable limits, waste which may overload or adversely affect the proper and efficient operation of public sanitary sewerage system or otherwise violate the limits provided hereinafter. Said tests shall be made in accordance with latest edition of Standard Methods for the Examination of Water and Sewage, as published by the American Public Health Association.

C. Be solely responsible for any damages which occur to the public sanitary sewerage system and are directly attributable to wastes discharged by said person in excess of the limits provided hereinafter. It is understood that commonly accepted scientific methods shall be used in determining the cause of any damage.

D. Understand that information and data on a person obtained from reports, questionnaires, permit application, permits, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless said person specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of said person. When requested by the person furnishing the information and data, the portions of the information and data which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the NPDES Permit, Commonwealth Water Quality Management Permit, and/or the Pretreatment Programs; provided, however, that such portions of information and data shall be available for use by the Commonwealth or its agencies in

judicial review or enforcement proceedings involving the person furnishing the information and data. Wastewater constituents and characteristics will not be recognized as confidential information. Information and data accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten (10) day notification is given to the person providing the information and data.

E. Comply with National Categorical Pretreatment Standards as they are promulgated.

F. Within one hundred eighty (180) days after the promulgation of a National Categorical Pretreatment Standard, the persons subject to such standards shall submit to the Township the following information set forth below:

(1) A statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the person to meet applicable pretreatment standards.

(2) If additional pretreatment and/or operation and maintenance will be required, the shortest schedule by which the person will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment required for the person to meet the applicable Pretreatment Standards.

(b) No increment referred to in paragraph (a) shall exceed nine (9) months.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the person shall submit a progress report to the Township including, as a minimum, whether or not it complied with the increments of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the person to return construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Township.

G. Provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the person's own cost and expense. In the case of an accidental discharge, it is the responsibility of the person discharging to the public sanitary sewerage system to immediately telephone and notify the Township of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, said

person shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve said person of any expense, loss, damage, or other liability which may be incurred as a result of damage to the public sanitary sewerage system, fish kills, or other damage to people or property; nor shall such notification relieve the person of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable Federal, Commonwealth, County or Municipal law.

6. The Township may discontinue all service to persons discharging industrial wastes or industrial wastes and sanitary sewage upon notification to the person prior to its discontinuance of service upon the happening of any one or more of the following conditions:

A. Upon notice of a violation of any Federal, State, County or Municipal law or ordinance or rule or regulation of any duly constituted authority relating to the discharge of effluent from the public sanitary sewerage system which violation is directly attributable to the industrial wastes of said person. In such event, the Township shall notify said person in writing of discontinuance of service based upon such violation.

B. In the event that the industrial waste discharge exceeds the concentration limitations imposed hereinafter. In such event, the Township shall notify said person in writing of discontinuance of service.

C. In the event that the industrial waste discharge causes any damage whatsoever to the public sanitary sewerage system or causes interference to the public sanitary sewerage system and such damage or interference is directly attributable to the discharge. In such event, the Township shall notify said person in writing of discontinuance of service.

D. In the event that the actual or threatened industrial waste discharge, in the opinion of the Township, may present an imminent or substantial endangerment to the health and welfare of people or the environment. In such event, the Township shall immediately notify said person by telephone or visit to the property of said person by telephone or visit to the property of said person of discontinuance of service.

Any person notified of a discontinuance of service shall immediately stop or eliminate the noncomplying discharge. In the event of the failure of the person to comply voluntarily with the discontinuance order, the Township shall take steps as deemed necessary, including immediate severance of the sewer connection. Service shall be resumed upon proof of correction of the non-complying discharge. A detailed written statement describing the causes of the non-complying discharge and the measures taken to prevent any future occurrence shall be submitted to the Township within fifteen (15) days of the date of occurrence. The expense of such severance of the sewer connection and the expense of restoring the sewer connection by the Township shall be a debt due the Township of Logan and lien upon all of the property of said person, and may be recovered by civil action in the name of the Township.

7. Any person discharging to the public sanitary sewerage system industrial wastes and sanitary sewage together subject to Pretreatment ,Standards and Requirements shall submit the following reports to the Township:

A. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or following commencement of the introduction of an industrial waste discharge or an industrial waste and sanitary discharge into the public sanitary sewerage system, as applicable, a report indicating the nature and concentration of all pollutants in the discharge which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow-rates for the process unit in the person's facility which are limited by such Pretreatment Standards or Requirements. The Report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the person into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of said person, and certified by a qualified profession.

B. After the compliance date of such Pretreatment Standard or after commencement of the discharge into the public sanitary Sewerage system, as applicable, on or before June 15 and December 15 of each year, unless required more frequently in the Pretreatment Standard or by the Township, a report indicating the nature and concentration of pollutants in the discharge which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in the discharge permit application.

C. In the cases where the Township determines that imposition of mass limitations on persons is appropriate, the report required by Paragraph B of §111(7) shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge of said person. These reports shall contain the results of sampling and analysis of the discharge including the flow and the nature and concentration, or production and mass where requested by the Township, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard, unless the Township directs more frequent monitoring. All analysis shall be performed in accordance with procedures established by the EPA pursuant to §304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR, Part 136 does not include a sampling or analysis technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analysis procedures approved by the EPA.

D. In the case of a slug load as defined by Paragraph 0 of §112(4) of this Part 1, it is the responsibility of the person to immediately notify the Township of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following a slug load, said person shall submit to the Township detailed written report describing the cause of the slug load and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve said person of any expense, loss, damage, or other liability which may be incurred as a result of damage to the public sanitary sewerage system, fish kills, or other damage to people or property; nor shall notification relieve the person of any fines, civil penalties, or other

liability which may be imposed by this Part 1 or other applicable Federal, Commonwealth, County or Municipal law.

E. Any and all reports required as a part of a specific Federal Categorical Pretreatment Standard. Service shall be resumed upon the correction of any such deficiency.

(Ord. 6-28-73, 6/28/1973, §11; as amended by Ord. 12-27-84, 12/27/1984, §4; and by Ord. 5-16-96, 5/16/96, §3)

§112. Prohibitive Wastes.

1. The discharge of unpolluted water or waste to a separate sanitary sewer is expressly prohibited.

2. The discharge of garbage to the public sanitary sewerage system is expressly prohibited unless said garbage is first shredded.

3. No sanitary sewage or industrial waste from any property other than that for which a permit has been issued as provided by ordinance shall be discharged to the public sanitary sewage system.

4. Except as hereinafter provided, no person shall discharge any sanitary sewage or any industrial waste having any of the following characteristics to the public sanitary sewerage system:

A. Wastes containing liquids, solids or gases which by reason of their nature or quality may cause fire, explosion or be in any other way injurious to persons, the structures of the sewerage system or its operation.

B. Wastes having a temperature which will inhibit biological activity in the public sanitary sewerage system resulting interference, but in no case wastes having a temperature in excess of 104°F or less than 32°F.

C. Wastes having a pH lower than 6.0 or higher than 9.0, or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the public sanitary sewerage system. Where the Township deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by the Township or its authorized representative, a suitable device to continuously measure and record the pH of the wastes so discharged.

D. Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is, in the opinion of the Township, likely to create a public nuisance or hazard to life, or prevent entry to sewerage structures for their maintenance and repair.

E. Wastes, containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, hair, chemical or paint residues, greases, lime slurry or viscose

material of such character or in such quantity that, in the opinion of the Township, they may cause an obstruction to the flow in sewer or otherwise interfere with the proper operation of the public sanitary sewerage system. Attention is called to the fact that the maximum permissible concentration will vary throughout the system, depending upon the size of the particular receiving sewer and the flows therein.

F. Wastes containing insoluble, non-flocculent substances having specific gravity in excess of 2.65.

G. Wastes containing soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.

H. Wastes containing any of the following substances in solution or in suspension, in concentrations exceeding those shown in the following table, with the exception of those industrial wastes discharged to the Altoona City Authority's Public Sanitary Sewerage System pursuant to Section 111 of Part 1, of this Chapter 18.

<u>Substance</u>	<u>Maximum Permissible Concentration</u>
Phenolic compounds as C_5H_6OH	0.0005 mg/l
Cyanides as CN	0.025 mg/l
Cyanates as CNO	0.5 mg/l
Iron as Fe	1.5 mg/l
Trivalent Chromium as Cr	0.5 mg/l
Hexavalent Chromium as Cr	0.05 mg/l
Nickel as Ni	0.5 mg/l
Copper as Cu	0.5 mg/l
Lead as Pb	0.10 mg/l
Tin as Sn	0.5 mg/l
Zinc as Zn	1.0 mg/l
Cadmium as Cd	0.1 mg/l
Methylene Blue Active Substances	1.0 mg/l
Nitrogen (TKN)	80.0 mg/l
Sulfates	200.0 mg/l
Phosphorus	10.0 mg/l
Arsenic	0.1 mg/l
Barium	1.0 mg/l
Mercury	0.01 mg/l
Chlorine Demand	10.0mg/l

(Ord. 12-16-93, §10)

I. Wastes containing more than 30 mg/l by weight of fat, oil or grease.

J. Wastes containing more than 10 mg/l of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide, or any of the halogens.

K. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.

L. Any wastes containing toxic substances in quantities sufficient to interfere with the biochemical processes of sewage treatment works or that will pass through the sewage treatment works and exceed the state, federal or interstate requirements for the Little Juniata River.

M. Any toxic radioactive isotopes without a special permit.

N. Wastes containing any substance which may cause any product of the public sanitary sewerage system such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged into the public sanitary sewerage system cause the public sanitary sewerage to be in non-compliance with the sludge use or disposal criteria, guidelines, or regulations developed under §405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or Commonwealth of Pennsylvania criteria applicable to the sludge management method being used.

O. Wastes containing any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow-rate and/or pollutant concentration which the person knows or has reason to know will cause interference to the public sanitary sewerage system. In no case shall a slug load have a flowrate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentrations, quantities, or flow during normal operations.

5. No statement contained in this Chapter shall be construed as prohibiting any special agreement or arrangement between the Township and any person whereby any industrial waste of unusual character may be admitted to the public sanitary sewerage system either before or after pretreatment by the producer of such industrial waste. However, in no case, shall the Federal Categorical Pretreatment Standards for a particular industrial sub-category be modified by such agreements or arrangements unless the limitations imposed under such agreements or arrangements are more stringent.

6. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than other limitations imposed under this Chapter for sources in that subcategory, shall immediately supercede the limitations imposed under this Chapter. The Township shall notify all affected persons of the applicable reporting requirements under 40 CFR, §403.12.

(Ord. 6-28-73, 6/28/1973, §12; as amended by Ord. 12-27-84, 12/27/1984, §5)

§113. Sewerage Service Charge and Connection Fee.

1. The following separate Sewer Districts are hereby created:

A. Lakemont District

B. Greenwood District

C. City of Altoona District

D. Innovative and Alternative Sewer district. (Ord. 2-18-93)

E. Frankstown Township Sewer District. (Ord. 9-15-94A)

F. Eldorado Springs Sewer District (Ord. 2-9-95)

2. There is hereby levied and assessed against all persons, firms and/or corporations making any connection with the Public Sanitary Sewerage System or otherwise discharging sewage, industrial waste, water or other liquids either directly or indirectly into said system or any part thereof, a tapping and/or connection fee and a service charge, payable in the amounts as hereinafter provided. The Township shall have the option, at its sole and absolute discretion, to charge any or all such amounts for tapping and/or connection fee and service charge to and collect the same from such persons, firms and/or corporations making such connections and/or the Township may charge any or all such amounts to and collect the same from the Owner and/or Occupant of any Building or House and/or Residential Equivalent, be it residential, commercial and/or industrial in use, so connected to the Public Sanitary Sewerage System. (Ord. 5-16-96).

A. In the Lakemont District:

(1) Connection Fee. A connection fee as follows:

- (i) \$250.00 plus a building sewer inspection fee, as defined in Chapter 1, Part 3 hereof, in the event a connection is made to a Lateral previously installed by the Township.
- (ii) For any connection made to a Lateral installed by the Person making such connection, an inspection fee as defined in Chapter 1, Part 3 hereof shall be imposed. The installation of the Lateral, together with the cost thereof, shall be borne solely by the Person making such connection the same to be done under constant inspection by the Township. Said Person making such connection shall also comply with Chapter 21 (as amended from time to time) hereof with regard to any road disturbance permit requirements.

(2) Tapping Fee. For each Building or House and/or Residential Equivalent (per connection) there is hereby imposed a tapping fee as defined in P.L. 1227 of December 19, 1990, Act 203, 53 Pa. Stat. Ann. §306 of \$1,200.00 per Residential Equivalent for the following categories for each Building or House connected to the Township's Public Sanitary Sewerage System:

Category Schedule

Residential Equivalents

- 1. Each Retail Store

(a)	ten or less employees	1
(b)	each additional ten employees or fraction thereof	1
2.	Each Business or Professional Office	
(a)	ten or less employees	1
(b)	each additional ten employees or fraction thereof	1
3.	Each Business or Professional Office attached to a Building or House for Public Transactions	
(a)	ten or less employees	1
(b)	each additional ten employees or fraction thereof	1
4.	Each Hotel, Motel or Boarding House (in addition to any charge for restaurant facilities), per two (2) rental rooms	1
5.	Each Restaurant, Club or Tavern (whether a separate Building or House or located within a Building or House), per twenty (20) seats or fraction thereof	1
6.	Each Church	1
7.	Each Service Station, Garage and/or Automotive Repair Shop	
(a)	three bays or less (excluding car wash facilities)	1
(b)	each additional bay over three	0.50
(c)	each car washing bay located in service station, garage or automotive repair shop	1
8.	Each Car Wash, per bay	2
9.	Each Laundromat	
(a)	two washers or less	1
(b)	each additional two washers or fraction thereof	1
10.	Each Barber Shop or Beauty Shop	

(a) two (2) chairs or less	1
(b) each chair over two (2)	0.50
(c) if attached to a Building or House - for both [two (2) chairs maximum]	2
11. Each Fire Company	1
12. Each Building or House having a commercial garbage grinder, 3 horsepower or greater, per each such grinder, which charge shall be in addition to any charge for any other category applicable to such Building or House as set forth herein	1
13. Each Financial Institution	1
14. Each Funeral Home	1
15. Each Convenience Store - Combination Gas/Grocery	3.5
16. Each Nursing Home, Hospital or similar institution	
(a) four (4) or less patients and/or employees	1
(b) each additional four (4) patients and/or employees, or fraction thereof	1
17. Each school (private or public), per eighteen (18) pupils or fraction thereof, computed on the basis of the design enrollment. Teachers and employees shall be included as pupils for purposes of such computation.	1
18. Each Industry (excluding process waste)	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1

Tapping fees for commercial and industrial Building or Houses payable hereunder shall be computed upon the basis of the maximum number of employees (including individual owners and employers) that could occupy said Building or House as determined by the Township.

If two or more Buildings or Houses are connected to the Public Sanitary Sewerage System through a single Lateral or if two or more types of use are

made of the same Building or House, the tapping fee payable hereunder shall be computed as though each such Building or House and each such type of use were a separate Building or House with a separate connection to a Public Sewer.

The Township reserves the right, from time to time, to establish additional categories and establish Residential Equivalents therefor; and the Township reserves the right, from time to time, to alter, modify, revise and/or amend the categories and the Residential Equivalents applicable thereto.

(3) Residential Service Charge. A service charge for any house, building, mobile home, house trailer or any Residential Equivalent, used for dwelling purposes, having any connection with the said Public Sanitary Sewerage System, and discharging sewage, water or other liquids into said system, a flat rate of \$348.00 per annum or \$29.00 per month.

(4) Commercial Service Charge. The service charge for any commercial, industrial, school or church user having any connection with the Township's Public Sanitary Sewerage System and discharging sewage, industrial wastes, water or other liquids into said system, shall be based upon the quantity of water used on or in said premises as the same is measured by the Water Company meter or meters there in use, and shall be charged monthly at the following rates:

First 500 cu. ft. or less per month	\$29.00
All over 500 cu. ft. per month	\$5.80 per 100 cu. ft.
The minimum charge in all cases shall be:	\$29.00 per month

(Ord. 07-15-99A, 7/15/99, §1)

B. In the Greenwood District:

(1) A tap-in or connection charge with the following schedule:

<u>Tap-In or Size of Pipe</u>	<u>Connection Charge</u>
Four (4) inches and six (6) inches	\$ 250.00
Eight (8) inches	\$ 500.00
Ten (10) inches	\$ 750.00
Twelve (12) inches	\$1,000.00

(2) A service charge for any house, building, mobile home, house trailer or any Residential Equivalent, used for dwelling purposes, having any connection with the said Public Sanitary Sewerage System, and discharging sewage, water or other liquids into said system, a flat rate of \$240.00 per annum or \$20.00 per month.

(3) The service charge for any commercial, industrial, school or church

user having any connection with the Township's Public Sanitary Sewerage System and discharging sewage, industrial wastes, water or other liquids into said system, shall be based upon the quantity of water used on or in said premises as the same is measured by the Water Company meter or meters there in use, and shall be charged monthly at the following rates:

First 500 cu. ft. or less per month	\$20.00
Next 2,500 cu. ft. per month	\$3.00 per 100 cu. ft.
Next 25,000 cu. ft. per month	\$2.14 per 100 cu. ft.
All over 28,500 cu. ft. per month	\$1.35 per 100 cu. ft.

The minimum charge in all cases shall be: \$20.00 per month

[Ord. 11-30-89A; as amended by Ord. 1-15-98]

C. City of Altoona District

(1) A tap-in or connection charge in accordance with the following schedule:

<u>Size of Pipe</u>	<u>Tap-in or Connection Charge</u>
Four (4) inches or Six (6) inches	\$ 150.00
Eight (8) inches	500.00
Ten (10) inches	750.00
Twelve (12) inches	1,000.00

(2) A service charge for any house, building, mobile home, house trailer or any Residential equivalent, used for dwelling purposes, having any connection with the said Public Sanitary Sewerage System, in discharging sewage, water or other liquids into said system, shall be the amount charged and billed by the City of Altoona and/or Altoona City Authority to Logan Township for the above structures, plus 15% for expenses and sewer line maintenance incurred by Logan Township. (Ord. 2-18-93)

D. Innovative and Alternative Sewer District.

(1) For each Building or House and/or Residential Equivalent (per connection) there is hereby imposed a tapping fee as defined in P.L. 1227 of December 19, 1990, Act 203, 53 Pa.Stat.Ann. §306(e) "collection component" of \$900.00 per Residential Equivalent and a connection fee as follows:

(i) \$350.00 plus the cost of the septic tank and installation including inspection fee as defined in Chapter 1, Part 3 hereof in the event the Township Authority installs a septic tank as a result of any reason, including but not limited to, a condemnation for installation of the same by the

Township and/or the Township Authority;

(ii) \$350.00 plus an inspection fee, as defined in Chapter 1, Part 3 hereof, in the event a connection is made to a lateral previously installed by the Township and/or the Township Authority. All cost for the connection and installation of the septic tank including the cost of said tank shall be borne solely by the person making such connection with the same to be done under constant inspection by the Township.

(iii) As to a connection made to a lateral installed by the person making such connection, an inspection fee as defined in Chapter 1, Part 3 hereof. The installation of the lateral and septic tank, together with the cost thereof, shall be borne solely by the person making such connection the same to be done under constant inspection by the Township. Said person making such connection shall also comply with Chapter 21, Section 102 hereof with regard to any road disturbance permit requirements.

(Ord. 5-16-96)

(2) A service charge for any Building or House, mobile home, house trailer or any Residential Equivalent, having any connection with the said Public Sanitary Sewerage System, and discharging sewage, water or other liquids into said system, a flat rate of \$420.00 per annum or \$35.00 per month is hereby imposed.

(3) The service charge for any commercial, industrial or institutional Building or House, upon having any connection with the Township's said Public Sanitary Sewerage System and discharging Sanitary Sewerage, Industrial Waste or other liquids into said system, shall be on a flat rate basis of \$420.00 per annum per Residential Equivalent, payable at the rate of \$35.00 per monthly billing period, for the following categories for each Building or House connected to the Township's Public Sanitary Sewerage System:

Category Schedule

Residential Equivalents

1. Each Retail Store

- | | |
|--|---|
| (a) ten or less employees | 1 |
| (b) each additional ten employees
or fraction thereof | 1 |

2. Each Business or Professional Office

- | | |
|--|---|
| (a) ten or less employees | 1 |
| (b) each additional ten employees
or fraction thereof | 1 |

3. Each Business or Professional Office
attached to a Building or House for Public
Transactions

(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1
4. Each Hotel, Motel or Boarding House (in addition to any charge for restaurant facilities), per two (2) rental rooms	1
5. Each Restaurant, Club or Tavern (whether a separate Building or House or located within a Building or House), per twenty (20) seats or fraction thereof	1
6. Each Church	1
7. Each Service Station, Garage and/or Automotive Repair Shop	
(a) three bays or less (excluding car wash facilities)	1
(b) each additional bay over three	0.50
(c) each car washing bay located in service station, garage or automotive repair shop	1
8. Each Car Wash, per bay	2
9. Each Laundromat	
(a) two washers or less	1
(b) each additional two washers or fraction thereof	1
10. Each Barber Shop or Beauty Shop	
(a) two (2) chairs or less	1
(b) each chair over two (2)	0.50
(c) if attached to a Building or House - for both [two (2) chairs maximum]	2
11. Each Fire Company	1
12. Each Building or House having a commercial garbage grinder, 3 horsepower or greater, per each such grinder, which charge shall be in addition to any charge for any other category applicable to such	

Building or House as set forth herein	1
13. Each Financial Institution	1
14. Each Funeral Home	1
15. Each Convenience Store - Combination Gas/Grocery	3.5
16. Each Nursing Home, Hospital or similar institution	
(a) four (4) or less patients and/or employees	1
(b) each additional four (4) patients and/or employees, or fraction thereof	1
17. Each School (private or public), per eighteen (18) pupils or fraction thereof	1
18. Each Industry (excluding process waste)	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1

Service charges for schools payable hereunder shall be computed on the basis of the number of pupils enrolled on September 30th of each school year. Teachers and employees shall be included as pupils for purposes of such computation.

Service charges for commercial and industrial Buildings or Houses payable hereunder shall be computed on the basis of the number of employees (including individual owners and employers) for the quarter ending September 30th of each year.

If two or more Buildings or Houses are connected to the Public Sanitary Sewerage System through a single Lateral or if two or more types of use are made of the same Building or House, the service charges payable hereunder shall be computed as though each such Building or House and each such type of use were a separate Building or House with a separate connection to a Public Sewer.

The Township reserves the right, from time to time, to establish additional categories and establish monthly rates therefor; and the Township reserves the right, from time to time, to alter, modify, revise and/or amend the categories and the monthly rates applicable thereto.

E. Frankstown Township Sewer District

(1) A connection fee in accordance with the following schedule:

<u>Size of Pipe</u>	<u>Connection Fee</u>
Four (4) inches and six (6) inches	\$ 250.00
Eight (8) inches	\$ 250.00
Ten (10) inches	\$ 750.00
Twelve (12) inches	\$1,000.00

(2) A service charge for any Building or House, mobile home, house trailer or any Residential Equivalent, having any connection with the said Public Sanitary Sewerage System, and discharging sewage, water or other liquids into said system, shall be a flat rate of \$580.00 per annum or \$145.00 per quarter. (Ord. 3-4-99, 3/4/99)

(3) The service charge for any commercial, industrial or institutional Building or House, upon having any connection with the Township's said Public Sanitary Sewerage System and discharging Sanitary Sewerage, Industrial Waste or other liquids into said system, shall be on a flat rate basis of \$580.00 per annum per Residential Equivalent, payable at the rate of \$145.00 per quarterly billing period, for the following categories for each Building or House connected to the Township's Public Sanitary Sewerage System:

<u>Category Schedule</u>	<u>Residential Equivalents</u>
1. Each Retail Store	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1
2. Each Business or Professional Office	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1
3. Each Business or Professional Office attached to a Building or House for Public Transactions	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1

4. Each Hotel, Motel or Boarding House
(in addition to any charge for restaurant facilities), per two (2) rental rooms 1
5. Each Restaurant, Club or Tavern
(whether a separate Building or House or located within a Building or House), per twenty (20) seats or fraction thereof 1
6. Each Church 1
7. Each Service Station, Garage and/or Automotive Repair Shop
 - (a) three bays or less (excluding car wash facilities) 1
 - (b) each additional bay over three 0.50
 - (c) each car washing bay located in service station, garage or automotive repair shop 1
8. Each Car Wash, per bay 2
9. Each Laundromat
 - (a) two washers or less 1
 - (b) each additional two washers or fraction thereof 1
10. Each Barber Shop or Beauty Shop
 - (a) two (2) chairs or less 1
 - (b) each chair over two (2) 0.50
 - (c) if attached to a Building or House - for both [two (2) chairs maximum] 2
11. Each Fire Company 1
12. Each Building or House having a commercial garbage grinder, 3 horsepower or greater, per each such grinder, which charge shall be in addition to any charge for any other category applicable to such Building or House as set forth herein 1
13. Each Financial Institution 1

14. Each Funeral Home	1
15. Each Convenience Store - Combination Gas/Grocery	3.5
16. Each Nursing Home, Hospital or similar institution	
(a) four (4) or less patients and/or employees	1
(b) each additional four (4) patients and/or employees, or fraction thereof	1
17. Each School (private or public), per eighteen (18) pupils or fraction thereof	1
18. Each Industry (excluding process waste)	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1

Service charges for schools payable hereunder shall be computed on the basis of the number of pupils enrolled on September 30th of each school year. Teachers and employees shall be included as pupils for purposes of such computation.

Service charges for commercial and industrial Buildings or Houses payable hereunder shall be computed on the basis of the number of employees (including individual owners and employers) for the quarter ending September 30th of each year.

If two or more Buildings or Houses are connected to the Public Sanitary Sewerage System through a single Lateral or if two or more types of use are made of the same Building or House, the service charges payable hereunder shall be computed as though each such Building or House and each such type of use were a separate Building or House with a separate connection to a Public Sewer.

The Township reserves the right, from time to time, to establish additional categories and establish monthly rates therefor; and the Township reserves the right, from time to time, to alter, modify, revise and/or amend the categories and the monthly rates applicable thereto.

(Ord. 3-4-99, 3/4/99, §1)

(4) Any and all sanitary sewer collection systems constructed and/or connected

within the Frankstown Township Sewer District of Logan Township shall comply in all respects with the requirements set forth in that certain Intermunicipal Sanitary Sewage Conveyance Service Agreement as amended from time to time among the Township of Logan, the Central Blair County Sanitary Authority, the Township of Frankstown and the Frankstown Township Sewer Authority.

[Ord. 9-15-94A, 9/15/94; as amended by Ord. 3-4-99, 3/4/99]

F. Eldorado Springs Sewer District.

(1) For any residential equivalent constructed after the enactment of this Ordinance, a tapping fee as defined in P.L. 1227 of December 19, 1990, Act 203, 53 Pa. Stat. Ann. §306(t) "collection component" of \$900.00 per Residential Equivalent and a Connection Fee of \$300.00 per connection to each Building or House is hereby imposed.

(2) A service charge for any Building or House, mobile home, house trailer or any Residential Equivalent, having any connection with the said Public Sanitary Sewerage System, and discharging sewage, water or other liquids into said system, a flat rate of \$480.00 per annum or \$40.00 per month is hereby imposed.

(3) The service charge imposed for any commercial, industrial or institutional Building or House, upon having any connection with the Township's said Public Sanitary Sewerage System and discharging Sanitary Sewerage, Industrial Waste or other liquids into said system, shall be a flat rate of \$480.00 per annum per Residential Equivalent, payable at the rate of \$40.00 per monthly billing period, for the following categories for each Building or House connected to the Township's Public Sanitary Sewerage system:

<u>Category Schedule</u>	<u>Residential Equivalents</u>
1. Each Retail Store	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1
2. Each Business or Professional Office	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1
3. Each Business or Professional Office attached to a Building or House for Public Transactions	
(a) ten or less employees	1

(b) each additional ten employees or fraction thereof	1
4. Each Hotel, Motel or Boarding House (in addition to any charge for restaurant facilities), per two (2) rental rooms	1
5. Each Restaurant, Club or Tavern (whether a separate Building or House or located within a Building or House), per twenty (20) seats or fraction thereof	1
6. Each Church	1
7. Each Service Station, Garage and/or Automotive Repair Shop	
(a) three bays or less (excluding car wash facilities)	1
(b) each additional bay over three	0.50
(c) each car washing bay located in service station, garage or automotive repair shop	1
8. Each Car Wash, per bay	2
9. Each Laundromat	
(a) two washers or less	1
(b) each additional two washers or fraction thereof	1
10. Each Barber Shop or Beauty Shop	
(a) two (2) chairs or less	1
(b) each chair over two (2)	0.50
(c) if attached to a Building or House - for both [two (2) chairs maximum]	2
11. Each Fire Company	1
12. Each Building or House having a commercial garbage grinder, 3 horsepower or greater, per each such grinder, which charge shall be in addition to any charge for any other category applicable to such Building or House as set forth herein	1

13. Each Financial Institution	1
14. Each Funeral Home	1
15. Each Convenience Store - Combination Gas/Grocery	3.5
16. Each Nursing Home, Hospital or similar institution	
(a) four (4) or less patients and/or employees	1
(b) each additional four (4) patients and/or employees, or fraction thereof	1
17. Each School (private or public), per eighteen (18) pupils or fraction thereof	1
18. Each Industry (excluding process waste)	
(a) ten or less employees	1
(b) each additional ten employees or fraction thereof	1

Service charges for schools payable hereunder shall be computed on the basis of the number of pupils enrolled on September 30th of each school year. Teachers and employees shall be included as pupils for purposes of such computation.

Service charges for commercial and industrial Buildings or Houses payable hereunder shall be computed on the basis of the number of employees (including individual owners and employers) for the quarter ending September 30th of each year.

If two or more Buildings or Houses are connected to the Public Sanitary Sewerage System through a single Lateral or if two or more types of use are made of the same Building or House, the service charges payable hereunder shall be computed as though each such Building or House and each such type of use were a separate Building or House with a separate connection to a Public Sewer.

The Township reserves the right, from time to time, to establish additional categories and establish monthly rates therefor; and the Township reserves the right, from time to time, to alter, modify, revise and/or amend the categories and the monthly rates applicable thereto.

(Ord. 02-09-95)

A. The service charge imposed upon users of the Public Sanitary Sewerage System within Lakemont, Greenwood and Frankstown Sewer Districts as set forth herein shall be billed by the Township, on a quarterly basis in accordance with the billing practices of the Township. If any account in said Districts is not paid in full within thirty (30) days after the date of the bill for the service charge, a penalty of ten (10%) percent shall be added to any such account.

B. The service charge imposed upon users of the Public Sanitary Sewerage System within the Altoona City, Innovative and Alternative and Eldorado Springs Sewer Districts as set forth herein shall be billed by the Township on a monthly basis in accordance with the billing practices of the Township. If any account in said Districts is not paid in full within twenty (20) days after date of the bill for the service charge, a penalty of ten (10%) percent shall be added to any such account.

[Ord. 12-24-87A; as amended by Ord. 5-16-96]

4. The registration of water on two (2) or more meters at one premise, and used by one consumer, may be combined and billed to said user as though registered on one meter if the Township so elects.

5. Unless a different service charge is otherwise set forth herein, in the event any commercial, industrial, school, church or similar user is discharging sanitary sewage, industrial waste, water or other liquids into the Public Sanitary Sewerage System either directly or indirectly, the service charge to such users shall be determined by such users water usage as the same may be measured and/or recorded by any Water Company. In the event such user uses water from a source other than a Water Company, then such users shall be required to install and maintain, for measuring and/or recording, a meter as set forth in Specifications for Sanitary Sewerage System Construction for such water usage at no cost to the Township and such meters shall be read in the manner and at times deemed appropriate by the Township. (Ord. 5-16-96)

6. In the event that a user is able to prove to the satisfaction of the Township that a portion of the water measured and/or recorded as set forth in Subsection (5) of this Section 113 does not and cannot enter the Public Sanitary Sewerage System, the Township may determine, in such manner and by such method as it, in its sole discretion, may deem practical, the actual percentage of the metered water entering the Public Sanitary Sewerage System, or the Township may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the Public Sanitary Sewerage System or the quantity of water, sewage and/or industrial waste actually entering the Public Sanitary Sewerage System. The sewerage service charge for the actual percentage of water calculated in this Subsection (6) shall be based upon the quantity of water, sewage and/or industrial waste estimated, measured and/or recorded by the Township to be actually entering the Public Sanitary Sewerage System and shall be subject to the sewage charge set forth in Section 113 hereof. (Ord. 5-16-96)

7. Any person requesting consideration for the reduction in the sewerage service charge because of water not entering the public sanitary sewerage system shall make written application to the Township for such consideration, which application shall include the name of the applicant, Township account number, and supporting data fully describing other sources of water, if any, as well as disposition of water alleged not to be entering the sewerage system. The application shall be accompanied by a sketch to approximate scale showing the plan of property, water distribution system, sewer layout, existing meters, and proposed meters in the scheme to determine the quantity of flow entering or not entering, the sewerage system. The cost of furnishing, installing and

maintaining any meters other than those to measure water purchased from the Water Company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the Township and the Water Company.

8. Nothing in the foregoing paragraphs shall preclude the right of the Township entering into contracts with neighboring municipalities for the collection and transportation of their sewage under a schedule of charges.

(Ord. 6-28-73, 6/28/1973, §13; as amended by Ord. 9-25-75, 9/25/1975, §2; by Ord. 12-28-78, 12/28/1978, §2; by Ord. 12-27-79, 12/27/1979, §2; by Ord. 12-27-83, 12/22/1983, §2; by Ord. 12-24-87A, 12/24/1987; by Ord. 11-30-89A, 11/30/1989, §1; and by Ord. 6-24-93, 6/24/1993, §§1, 2, 3 and 4; by Ord. 9-15-94A, 9/15/94, §§2 and 3; by Ord. 2-9-95, 2/9/95, §3; and by Ord. 5-16-96, 5/16/96, §§4, 5 and 6; and by Ord. 1-15-98, 1/15/98, §2; and by Ord. 7-15-99A, 7/15/99, §1)

§114. Surcharge for Certain Industrial Wastes.

1. Although the Township sewage treatment works will be capable of treating certain abnormal industrial wastes as heretofore defined in §102 of this Part 1, the actual treatment of such wastes may increase the cost of operating and maintaining the Township's sewage treatment works. Therefore, there is hereby levied and assessed against each person discharging such industrial waste into the Township's public sanitary sewerage system, a surcharge, or surcharges, which are intended to cover such additional cost to the Township. Such surcharge shall be in addition to the regular sewerage service charge set forth in §105 of this Chapter, and shall be payable as hereinafter provided and in the amount hereinafter provided.

2. The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently, from samples taken at the manhole described in §111(4) or at any other sampling point mutually agreed to by the Township and the producer of said waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Township, will permit a reasonably reliable determination of the average composition of the said wastes. Samples shall be collected, by a representative of the Township, in proportion to the flow of waste and composited for analysis in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, as published by the American Public Health Association. Except as hereinafter provided, the strength of the waste as found by analysis shall be used for establishing the surcharge, or surcharges hereinafter provided for. However, the Township may, if it so elects, accept the results of routine sampling and analysis by the producer of said wastes in lieu of making its own samplings and analysis.

3. In the event any industrial waste is found, by the Township, to have a B.O.D. in excess of three hundred (300) parts per million, the producer of said waste shall be surcharged in an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, discharged to the public sanitary sewerage system and the "B.O.D. surcharge rate". The "B.O.D. surcharging rate" shall be determined by the Township by the following formula:

$$R_c = 0.00834 P (C-300)$$

where R_c = the B.O.D. surcharge rate in cents per 1,000 gallons of waste discharged.

P = the average annual fixed, operating and maintenance cost of secondary treatment processes per pound of B.O.D. received at the treatment works. Such secondary processes shall include chlorination as well as activated sludge processes. (Prior to completion of the first year of operation, the value of "P" shall assumed to be 0.05 dollars.)

C = the average B.O.D. of the industrial waste expressed in parts per million as determined in accordance with §602 of this Chapter.

The figure 300 appearing in the above formula corresponds to the maximum B.O.D. permissible without surcharge. The figure 0.000834 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a B.O.D. less than 300 parts per million.

4. In the event any industrial waste, the volume of which is found by the Township, to have an average suspended solid concentration in excess of three hundred fifty (350) parts per million, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of waste in thousand gallons per billing period, discharged to the public sanitary sewerage system and the "suspended solids surcharge rate". The losuspended solids surcharge rate" shall be determined by the Township and by the following formula:

$$Rs = 0.00834 B (S - 350)$$

Where Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged.

B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (Prior to the completion of the first year of operation the value of "B" shall be assumed to be 0.05 dollars.)

S = the average suspended solids concentration of the abnormal industrial waste, expressed in parts per millions as determined in accordance with §114(2).

The figure 350 appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. As before, the figure 0.00834 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than 350 parts per million.

5. The surcharge provided for in this Chapter will be added to the normal sewerage service charge set forth in §113. They will be billed quarterly and shall be subject to the same penalty as set forth in §113(3).

6. In the case of a waste containing substances or materials that can only be treated by the Township with extra care and costs and where the surcharge as stated does not apply, the Township may accept the waste after a study of it has been made and a formula for the discharge has been made.

7. In the case of wastes containing heavy metals, either in suspension or solution when in the opinion of the Township the suspended solids do not represent the true characteristics of the solids

loading the Township reserves the right to use total solids instead of suspended solids for the surcharge rate provided in §114(4).

(Ord. 6-28-73, 6/28/1973, §14)

§115. Construction of System by Developers.

1. Any person (hereinafter, for purposes of this Section 115, called Developer) who desires to construct or build, at said person's sole cost and expense, a sanitary sewer or sewerage system which is capable of servicing two (2) or more Houses, Buildings, Mobile Homes and/or house trailers and/or Residential Equivalent and/or in the event a sanitary sewer or sewerage system is proposed to utilize a six (6") inch or larger sanitary sewer, and connect such sanitary sewer or sewerage system with the Public Sanitary Sewerage System shall comply with the provisions of this Section 115. (Ord. 5-16-96)

2. The Developer shall execute an agreement, prepared by the Township Solicitor, with the Township setting forth the obligations of the parties as determined by the Township, and submit plans for the proposed extension of the sanitary sewer to the Township in accordance with Chapter 22 paying the cost of preparation of said agreement. (Ord. 5-16-96)

3. Prior to final acceptance of any sanitary sewer extension by the Township, the Developer shall furnish to the Township "as built plans" in accordance with Specifications for Sanitary Sewerage System Construction. (Ord. 5-16-96)

4. Easements for the sanitary sewer shall be recorded in the name of the Township or the Authority for all sewers to be constructed outside of dedicated street rights-of-way. (Ord. 5-16-96)

5. All sanitary sewer and/or sewerage system shall be constructed as specified by Specifications for Sanitary Sewerage System Construction. (Ord. 5-16-96)

6. The Developer shall pay the Township for all costs of inspection of construction of all sanitary sewers and sewer connections in accordance with Chapter 1, Part 3 hereof. (Ord. 5-16-96)

7. No sanitary sewer extension constructed by a Developer will be approved for use and acceptance by the Township until said sanitary sewer is formally approved by the Township, all collection connections and inspection fees have been paid, the Township has been reimbursed in full for all inspection costs incurred for inspection during construction, testing, approval and all cost set forth in Chapter 1, Part 3 hereof, and the sanitary sewer extension has been dedicated to the Township and/or the Authority. (Ord. 5-16-96)

8. No sewer pipe shall be less than eight (8) inches in diameter or five (5) feet in length. The Township may permit the use of six (6) inch diameter sewers, provided the six (6) inch diameter sewers have hydraulic capacity for the ultimate flow, the development will not have any further growth potential in the area that would be tributary to the six (6) inch diameter sewers, and the six (6) inch diameter sewers will not be detrimental to the Township in any way whatsoever. The Township may require the sewer pipe to be greater than eight (8) inches in diameter.

9. Jointing connections for pipe shall be as specified by §106 of this Part 1. The details of any

other jointing connection which is proposed for use must be submitted to the Township for prior approval.

10. The installation of sanitary sewers shall start at the lower end of the line and proceed upstream so that the spigot ends point in the direction of flow. The pipe shall be carefully laid on line and grade. The handling, placing and jointing of pipe shall be in strict accordance with the pipe manufacture's recommendations. Each sewer connection shall consist of a wye fitting and a 45° pipe bend or a pipe saddle fitting and a 45° bend. Wye fitting 45° pipe bends, lateral sewers to the property line and suitable pipe caps shall be installed by the Developer for all lots whether developed or undeveloped within the development.

11. All manholes shall be constructed in accordance with the standards established by the Township. Frames and covers for all manholes shall be fabricated of cast iron and shall conform to the standards established by the Township. Manholes with frames and covers as specified shall be furnished at the ends of lines. All manholes shall be pre-cast concrete, with O-ring joints shall meet ASTM Spec. C-478-63T as amended to date. Manhole bases shall be poured concrete with smooth flow channels. All joints shall be sided with cement mortar. Manhole shall be coated with two (2) coats of waterproofing material equal to Gacote NA-62. At each point where the ABS pipe and PVC pipe enters and leaves a manhole there shall be furnished and properly installed a "Manhole Water Stop Gasket and Clamp". The Township may permit the use of precast concrete manhole bases, provided a smooth flow channel is poured, the "Manhole Water Stop Gasket" is cast into the base during manufacture of the base, and all precautions are taken to assure a level subbase on undisturbed soil or properly compacted crushed aggregate material.

12. Sanitary sewers shall be hydrostatically, pneumatically, or smoke tested for leakage at the discretion of, and in the manner required by the Township. Infiltration shall not exceed 100 gal./inch/day/mile.

13. Prior to the commencement of any construction, the Developer shall pay a "tap-in" or connection charge for each tap-in or connection of the proposed sanitary sewer with the Public Sanitary Sewerage System in accordance with the provisions of §113(20).

14. The sanitary sewer and all sewer connections shall be left uncovered until inspected and approved by the designated inspector of the Township. Notice shall be given to the Township when the work has been completed, so that it may be inspected by the Township inspector. If the installation of the sanitary sewer or sewer connection have been properly made, written approval will be furnished to the Developer or his designated representative. If the work is not satisfactory, the inspector shall advise what must be done to meet the Township requirements. The Developer shall pay the Township for all costs of inspection of construction of all sanitary sewers and sewer connections which payment shall include a charge of twenty (\$20.00) dollars per hour of inspection for each Township inspector.

15. No sanitary sewer extension constructed by a Developer will be approved for use and acceptance by the Township until said sanitary sewer is formally approved by the Township, all tap connections and inspection fees have been paid, the Township has been reimbursed in full for all inspection costs incurred by the Inspector during construction, testing and approval, and the sanitary sewer extension has been dedicated to the Township or the Authority.

16. All sanitary sewers shall be laid in Class "B" bedding where the pipe is bedded in compacted granular material placed on a flat trench bottom. The granular bedding shall meet the requirements of ASTM designation 33, Gradation 67, and all subsequent revisions, and shall have a minimum of four (4) inches or one-fourth (14) of the outside diameter, whichever is the greater, under the pipe for the full width of the trench. The granular bedding shall extend on both sides of the pipe (between pipe sides and trench walls) to the horizontal centerline of the pipe. The remainder of the side fills and a minimum depth of twelve (12) inches over the top of the pipe shall be filled with carefully compacted material.

(Ord. 6-28-73, 6/28/1973, §15; as amended by Ord. 12-27-84, 12/27/1984, §6; and by (Ord. 5-16-96))

§116. Billing Practice. The sewerage service charge and the surcharges where applicable, provided for in this Chapter, shall be payable in four (4) quarterly payments each year in accordance with the billing practices of the Township of Logan, provided that the amount of sewerage service charge payable from any person at the first payment period after this Part 1 becomes effective, shall be determined on the basis of a per them pro rata amount of the established minimum charge per quarterly billing period, or shall be based upon the water consumed at the above established rates, whichever is the larger. (Ord. 6-28-73, 6/28/1973, §16)

§117. Refunds. Where a person now discharging industrial wastes into a stream, or otherwise disposing of such industrial wastes, contemplates providing his own proper facilities for the treatment of his wastes, or his wastes and sewage, instead of utilizing the Township's public sanitary sewerage system, said person may, by special agreement with the Township, entered into within six (6) months after the effective date of this Part 1, bind himself to construct his own proper facilities for the treatment of his sewage and wastes within twelve (12) months after the effective date of this Part 1. If any such industry or waste producer provides satisfactory treatment facilities within the prescribed time, he shall be entitled to a refund of any sewerage service charges or surcharges paid by him. (Ord. 6-28-73, 6/28/1973, §17)

§118. Enforcement and Penalty.

1. Each sewerage service charge or surcharge levied hereby pursuant to this Part 1 shall be a debt due the Township of Logan and shall be lien upon all the property of the user of such service, and if the same is not paid within thirty (30) days after it shall have been rendered, it shall be deemed delinquent and may be recovered by civil action in the name of the Township. In the event of failure to pay the sewerage service charge or surcharges within sixty (60) days after they become delinquent, the Township shall be authorized to remove or close the sewer connection and shall have the right to enter upon the property of the user of the service for such purpose and to take such steps as may be necessary to accomplish such removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the Township of Logan and a lien upon all of the property of the user and may be recovered by civil action in the name of the Township, or such sewage service shall not again be turned on, nor the sewage connection restored until all service charges, including the expense of removal, closing and restoration shall have been paid. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

2. All persons violating any portion of the rules and regulations promulgated in this Part 1 will be in violation of this Part 1. Notice of such violation shall be sent through the U.S. mails and if, after thirty (30) days of elapsed time, no action on the violation is taken, the sewer connection may be removed or closed and reconnection will not be made until after a correction of the violation has been made. The expense of such removal or closing and the expense of restoring the sewer service shall be a debt due the Township of Logan and a lien upon all of the property of the user, and may be recoverable by civil action in the name of the Township.

3. A. Enforcement.

Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

B. Penalty.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred and no/100 (\$300.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 9-19-96; as amended by Ord. 2-13-97)

4. If any person discharges sanitary sewage, industrial wastes or other wastes into the public sanitary sewerage system in violation of the provisions of this Part 1, Federal or Commonwealth Pretreatment Requirements, or any order of the Township, the Township Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Blair County.

(Ord. 6-28-73, 6/28/1973, §18; as amended by Ord. 12-27-84, 12/27/1984, §7; and by Ord. 10-27-88, 10/27/1988; and by Ord. 9-19-96, 9/19/96, §1B; and by Ord. 2-13-97, 2/13/97, §1B)

§119. Regulation by the Township Supervisors. The Township Supervisors may make and enforce such rules and regulations for the safe, economical and efficient management, control and protection of the Townships public sanitary sewerage system, for the construction and use of house sewers and connections to the sewerage system, for the construction and use of all other connections thereto, and for the regulation, collection, rebating and refunding of such sewerage service charges as may be needful or necessary from time to time. (Ord. 6-28-73, 6/28/1973, §19)

Part 2

Holding Tanks and Regulations

§201. Purposes. The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. (Ord. 1-04-90, 1/4/1990)

§202. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY - the Supervisors of Logan Township, Blair County, Pennsylvania.

HOLDING TANK - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, ,corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

MUNICIPALITY - the Township of Logan, Blair County, Pennsylvania.

(Ord. 1-04-90, 1/4/1990)

§203. Rights and Privileges Granted. The Authority is hereby authorized and empowered to undertake within the Township the exclusive control and methods of holding tank use, sewage disposal and sewage collection, transportation thereof and permit issuance for installation of any said holding tank. (Ord. 1-04-90, 1/4/1990)

§204. Rules and Regulations. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. (Ord. 1-04-90, 1/4/1990)

§205. Rules and Regulations to be in Conformity with Applicable Laws. All such rules and

regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. 1-04-90, 1/4/1990)

§206. Rates and Charges. The Authority shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law. (Ord. 1-04-90, 1/4/1990)

§207. Exclusiveness of Rights and Privileges.

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

2. The Authority will receive, review and retain pumping receipts from permitted holding tanks.

3. The Authority will complete and retain annual inspection reports for each permitted tank.

(Ord. 1-04-90, 1/4/1990)

§208. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

1. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

2. Permit only the Authority or its agent to inspect holding tanks on an annual basis.

(Ord. 1-04-90, 1/4/1990; as amended by Ord. 12-16-93A, 12/16/1993, §1)

§209. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred and no/100 (\$300.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 1-04-90, 1/4/1990; as amended by Ord. 9-19-96, 9/19/96, §1B; and by Ord. 2-13-97, 2/13/97, §1B)

§210. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of §208 above shall constitute a nuisance and shall be abated by the Authority by either

seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction. (Ord. 1-04-90, 1/4/1990)

Part 3

Approval by Blair County Sanitary Administrative Committee

§301. Application for Approval. It shall be unlawful for any person, firm, association or corporation to connect and/or make repair to any existing on-lot sewage disposal system (as defined hereinafter) within the limits of Logan Township unless said person shall first file an application and receive approval thereof as hereinafter provided. If after obtaining approval, it shall also be unlawful for any person to maintain an on-lot sewage disposal system which is malfunctioning. On-lot sewage disposal system shall include any mechanism used for the transmission and/or treatment of sanitary sewage other than the Public Sanitary Sewerage System as defined in Part 1 of this Chapter 18 and the Holding Tanks permitted in Part 2 of this Chapter 18. (Ord. 9-21-95, 9/21/95, §1)

§302. Application Form. Applications for permits shall be in writing, shall be signed by the applicant and shall be on a form adopted by the "Blair County Sanitary Administrative Committee" (hereinafter "Committee"). (Ord. 9-21-95, 9/21/95, §2)

§303. Application Submission. All applications shall be made to the Committee through the Certified Sewage Enforcement Officer (hereinafter "Enforcement Officer") of the Committee. (Ord. 9-21-95, 9/21/95, §3)

§304. Approval of Applications. The said Enforcement Officer shall approve the application only when dye or other tests indicate that there is no surface discharge of sewage and the results of said test satisfy such other regulations of the Committee. The term "sewage" shall be defined as set forth in the Pennsylvania Sewage Facilities Act. (Ord. 9-21-95, 9/21/95, §4)

§305. Application Fee. The fee charged for the application required herein shall be established by the Committee and shall be paid by the applicant to the Committee at the time of filing of the application. The fee shall be used to defer in part the cost of processing the application and conducting the tests required for granting of the approval, and shall not be refunded to the applicant in the event that approval is not granted. (Ord. 9-21-95, 9/21/95, §5)

§306. Malfunction After Approval. In the event of a malfunctioning sewage disposal system after approval has been granted to connect on thereto, the person, firm, association or corporation who remains connected onto said sewage disposal system must repair said system so that it will meet all requirements and standards provided by the Commonwealth of Pennsylvania, Department of Environmental Resources. (Ord. 9-21-95, 9/21/95, §6)

§307. Enforcement and Penalties. Any person, firm, association or corporation, violating any of the provisions of this Part, shall upon conviction thereof before any District Magistrate in a proceeding commenced by warrant or summons, be fined not less than One Hundred and no/100 (\$100.00) Dollars and not more than Three Hundred and no/100 (\$300.00) Dollars and costs for each and every offense. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine and costs, the Defendant may be sentenced and committed to jail for a period not exceeding thirty (30) days. Each and every day that any party

remains connected to an existing sewage disposal system without obtaining approval for connecting

onto said sewage disposal system or maintains a malfunctioning system, all as hereinbefore provided, shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder. (Ord. 9-21-95, 9/21/95, §7)

Part 4

Sewers and Sewage Disposal

§401. Purpose. This Part 4 sets forth the following uniform requirements for Users of the Sewer System and enables the Township to regulate the use of the Sewer System and to comply with the requirements of the Clean Water Act and other applicable State and national laws and regulations:

- A. Requirements regulating the introduction of Wastewater into the Sewer System by all Users,
- B. Establishing an Industrial Pretreatment Program to monitor and control the Discharge of Industrial Wastes.

(Ord. 5-20-99, 5/20/99, §2)

§402. Objectives. The objectives of this Part 4 are:

- A. To prevent the introduction of Pollutants into the Sewer System that will cause Interference, increase the difficulty or costs of operation of the Sewage Collection System or the Sewage Treatment Plant, or reduce the efficiency or effectiveness of the Sewage Collection System or Sewage Treatment Plant;
- B. To prevent Pass Through of Pollutants, inadequately treated, to the environment;
- C. To protect workers and the general public from exposure to toxic or other dangerous substances;
- D. To protect the Sewer System from damage;
- E. To improve the opportunity to recycle or reclaim wastewater or sludge;
- F. To provide for the equitable distribution of the cost of the operation, administration and enforcement of the Industrial Pretreatment Program;
- G. To enable the Township, the Borough of Hollidaysburg and the Authority to comply with all applicable State and national laws rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards, and water quality standards; and
- H. To comply with the requirements of an Agreement between the Township and the Borough of Hollidaysburg in which the Township covenants to adopt and enforce an ordinance establishing an Industrial Pretreatment Program and designating the Borough as an agent of the Township for the purposes of administering the provisions of the ordinance.

(Ord. 5-20-99, 5/20/99, §2)

§403. Reservation of Rights. Notwithstanding any other provision to the contrary, nothing in Part 4 or elsewhere in the Township's or the Borough's pretreatment program shall be deemed to be a

legally binding commitment under the Clean Water Act, 33 U.S.C. § 1251 et seq., the Clean Streams Law, 35 Pa. Stat. §§ 691.1 et seq., and applicable regulations (e.g., 40 CFR Part 403, Title 25 Pa. Code) for the Township or Borough to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the Township maintains discretionary authority to undertake pretreatment activities beyond the minimum required.

(Ord. 5-20-99, 5/20/99, §2)

§404. Applicability. This Part 4 is applicable to Users of that portion of the Sewer System as defined herein; specifically, those portions of the collection system connected to and transporting Wastewater to the Hollidaysburg Regional Wastewater Treatment facility. Users of those portions of the sewer system that is connected to the Altoona City Authority's sanitary sewerage system shall comply with Article IV of the Altoona City Authority's Wastewater System Regulation (as amended) entitled "Industrial Wastewater", which said regulations are incorporated herein by this reference.

(Ord. 5-20-99, 5/20/99, §2)

§405. Definitions. The following words, terms and phrases will hereinafter have the meanings set forth in this section unless the context clearly requires a different meaning. Reference to gender shall be construed to include both the masculine and feminine.

ACT or "THE ACT" - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 125 1, et. seq.

APPROVAL AUTHORITY - the Regional Administrator of Region III of the EPA.

AUTHORITY - the Hollidaysburg Sewer Authority, a municipality authority created and existing under the laws of the Commonwealth of Pennsylvania.

AUTHORIZED REPRESENTATIVE (of Industrial User) - an Authorized Representative of an Industrial User may be: (1) If the Industrial User is a corporation, (a) a principal executive officer of at least the level of president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (b) a manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; (2) If the Industrial User is a partnership or proprietorship, a general partner or proprietor, respectively; (3) If the Industrial User is a governmental entity, charitable organization or other such unincorporated entity, a principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official; (4) A duly authorized representative of the individual designated above in (1), (2) or (3) if such representative, by name or position, is (a) identified in writing submitted to the Pretreatment Coordinator and (b)(i) is responsible for the overall operation of the facilities from which the Discharge originates, or (ii) has overall responsibility for environmental

matters for the company.

BIOCHEMICAL OXYGEN DEMAND (BOD) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade (64 degrees Fahrenheit) expressed in terms of weight and concentration (milligrams per liter (mg/L)).

BOROUGH - the Borough of Hollidaysburg, Blair County Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, the Borough Council thereof, its employees, agents and officials.

BUILDING SEWER - a Sanitary Sewer conveying Wastewater from the premises of a User to the Sewer System.

BYPASS - the diversion of Wastewater from any portion of an Industrial User's Pretreatment facility.

CATEGORICAL INDUSTRIAL USER - an Industrial User subject to Categorical Standards.

CATEGORICAL STANDARDS - National Categorical Pretreatment Standards.

CERTIFIED PROFESSIONAL - a registered professional engineer under the laws of the State.

CHAIN OF CUSTODY - a record of sample collection indicating the place, date and time of collection and the Person collecting the sample. It also includes a record of each Person involved in possession of the sample including the laboratory Person who takes final possession of the sample for the purpose of analysis.

CLEAN STREAMS LAW - the Act of June 22, 1937, P.L. 1987, as amended, 35 P. S. Sections 69 1.1 to 691.702.

COLOR - color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

COMBINED SEWER - a sewer constructed to convey both Sanitary Sewage and Stormwater.

COMBINED WASTE FORMULA - a procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.6(e).

COMPLIANCE - adherence to conditions or requirements of this Part 4 or the Industrial Pretreatment Program, any written directions or schedule issued by the Township or Borough, or any Wastewater Discharge Permit or other permit issued under the provisions of this Part 4.

COMPOSITE SAMPLE - a sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples may be proportioned by time interval or size according to flow (Flow-proportioned Composite Sample), or be of equal size and taken at equal time intervals (Equal-time Composite Sample). A Composite Grab Sample is composed of individual Grab Samples collected and preserved individually and combined for analysis only at the time of analysis.

DAILY MAXIMUM - the highest value obtained for samples collected in any calendar day or equivalent consecutive twenty-four (24) hour period. When used in a limit, the Daily Maximum is the highest value allowed in any Composite Sample, or the maximum value allowed as an average of one or more Grab Samples taken during a calendar day or equivalent consecutive twenty-four (24) hour period. The Daily Maximum may also be expressed as the maximum mass allowed to be Discharged during any one calendar day or equivalent consecutive twenty-four (24) hour period.

DISCHARGE - the conveyance of any water or Wastewater into the Sewer System including the delivery of water or Wastewater by truck.

DOMESTIC WASTES - normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

ENFORCEMENT RESPONSE PLAN - a plan developed pursuant to 40 CFR §403.8(f)(5) providing for the enforcement of the Industrial Pretreatment Program.

EPA - the U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

EXISTING SOURCE - any source of Discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Standards, which Categorical Standards will be applicable to such source if the Categorical Standard is thereafter promulgated in accordance with Section 307 of the Act.

GARBAGE - solid or semi-solid wastes resulting from preparation, cooking, and dispensing of food, and from handling storage and sale of produce.
(18, §405, cont'd.) (18, §405, cont'd.)

GRAB SAMPLE - a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and within a period of 15 minutes or less.

GROUNDWATER - water which is contained in or passing through the ground.

HAZARDOUS WASTE - substances that are classified as listed or

characteristic hazardous Waste under the provisions of 40 CFR, Part 261.

HOLDING TANK WASTE - the liquid and/or solid material from a septic tank, cesspool or similar Domestic Waste treatment or containment system, or waste from holding tanks such as those found in vessels, chemical toilets, campers, or house trailers.

INDUSTRIAL PRETREATMENT PROGRAM - the sum of the provisions of this Part 4, amendments thereto, and any activities authorized or allowed by this Part 4 as regards the regulation and control of Industrial Users to the extent required by the federal minimum pretreatment regulations set forth in 40 C.F.R. Part 403.

INDUSTRIAL USER - any Person who Discharges Industrial Waste into the Sewer System.

INDUSTRIAL WASTE - any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources and which is Discharged into the Sewer System; but not Non-contact Cooling Water or Sanitary Sewage. Any Wastewater which contains Industrial Waste and which is Discharged from an industrial, manufacturing, trade or business premises is considered Industrial Waste for the purposes of this Part 4.

INFECTIOUS WASTE - any substance which is Discharged, and which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized, or otherwise rendered harmless. Infectious Waste includes, but is not limited to: contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.

INTERFERENCE - the condition in which a Discharge, alone or in conjunction with Discharges from other sources:

- (a) Inhibits or disrupts the processes or operations of the Sewage Treatment Plant or the Sewage Collection System, or the processing, use or disposal of sludge; or
- (b) Is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control Act,

and the Marine Protection, Research and Sanctuaries Act; or which results in or increases the severity of a violation of other State or national environmental statutes, rules or regulations.

LOCAL LIMITS - numerical limitations on the concentration, mass or other characteristics of wastes or pollutants Discharged, or likely to be Discharged, by Industrial Users, and which are developed by the Township or the Borough.

MANHOLE - a structure allowing access from the surface of the ground to a Sewer.

Mg/L - milligrams per liter; a measure of concentration of water borne substances.

MONTHLY AVERAGE - the arithmetic mean of all daily determinations of concentration made during a calendar month.

NATIONAL CATEGORICAL PRETREATMENT STANDARD - any regulation containing pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users. National Categorical Pretreatment Standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 et seq.

NPES PERMIT - a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NEW SOURCE - any building, structure, facility, or other source from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Standards under Section 307 (c) of the Act which will be applicable to such source if such Categorical Standards are thereafter promulgated in accordance with that Section. Determination of the applicability of New Source standards shall be made as provided in the Act and 40 CFR, §403.3.

NON-CONTACT COOLING WATER - the water from any use such as air conditioning, machine cooling or refrigeration, which does not come into contact with any raw material, product, byproduct or waste, and to which the only Pollutant added is heat.

NORMAL PRODUCTION DAY - for the purposes of sampling Wastewater, a Normal Production Day is that period of time during a calendar day during which Wastewater is Discharged and production, clean-up, and other activities that normally produce Wastewater or Industrial Waste are occurring. If a sample is specified to be collected during a Normal Production Day, it should not include, aliquots taken during low wastewater flow periods that are not representative of normal activities, or during times when Wastewater is not being Discharged.

NONCOMPLIANCE - not in Compliance.

OPERATOR - any Person having charge, care, control or management of a Pretreatment facility for Industrial Wastes or of a truck or trucks used in the removal, transport or disposal of Wastewater or Industrial Wastes.

OWNER - any Person vested with ownership, legal or equitable, sole or partial, of an improved property or facility.

PASS THROUGH - discharge of Pollutants which exits the POTW to the Waters of the State and, either alone or in conjunction with other Discharges, causes a violation of the Authority's NPDES permit or an increase in the magnitude or duration of any such violation; or the concentration of Pollutants in the sludge so that the end use of the sludge causes or contributes to Pollution, harm to the environment, or a violation of any State or national sludge disposal regulation, guideline or standard.

PERSON - any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH - the logarithm (base 10) of the reciprocal of the concentration of hydrogenions expressed in moles per liter of solution.

POLLUTANT - any substance, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, medical wastes, backwash from water filtration and industrial, municipal, and agricultural waste; or having certain characteristics such as Biochemical Oxygen Demand, Color, pH or toxicity which, when discharged into the environment, causes, contributes to, or increases Pollution.

POLLUTION - the contamination of any Waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

POTW - a publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). The term includes the Sewage Collection System and the Sewage Treatment Plant.

PRETREATMENT - the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of Discharging or otherwise introducing such Pollutants into a Sewer System. The reduction or alteration can be obtained by physical, chemical or biological processes, or by means of other process changes except as prohibited by 40 CFR

§403.6(d).

PRETREATMENT COORDINATOR - person designated to administer the provisions of the Industrial Pretreatment Program. The Pretreatment Coordinator appointed by the Borough of Hollidaysburg shall be automatically assigned as the Pretreatment Coordinator of the Township.

PRETREATMENT REQUIREMENTS - any substantive or procedural requirement, other than a Categorical Standard, imposed on an Industrial User by Section 307(b) and (c) of the Act, the State or the Industrial Pretreatment Program.

PRETREATMENT STANDARD - a National Categorical Pretreatment Standard, Prohibitive Discharge Standard or a Local Limit created to implement a National Categorical Pretreatment Standard or Prohibitive Discharge Standard.

PROHIBITED DISCHARGE - any Discharge which is prohibited under Section 406(3) of this Part 4.

PROHIBITIVE DISCHARGE STANDARD - any regulation developed under Section 307(b) and (c) of the Act (33 USC 1317) including prohibitive discharge limits under 40 CFR §403.5. Prohibitive Discharge Standards are included in the list of Prohibited Discharges in Section 406(3) of this Part 4.

QUALIFIED ANALYST - any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Township or who is normally employed in the capacity of analyst by a professional analytical laboratory.

REFRIGERATION - maintenance of temperature for storage, preservation of food, or as a process of manufacturing.

RESPONSIBLE OFFICIAL - the Manager of the Borough of Hollidaysburg, appointed as an agent of the Township for the purposes of administering and enforcing the Industrial Pretreatment Program and the provisions of this Part 4 or his duly authorized representative.

SANITARY SEWAGE - the normal water-carried Domestic Wastes from any improved property, but excluding: effluent from septic tanks or cesspools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

SANITARY SEWER - a Sewer designed and constructed primarily for carrying Sanitary Sewage or Industrial Wastes, but not storm, surface or ground waters.

SEWAGE COLLECTION SYSTEM - all facilities of the Township, the Borough and Authority, or any municipality party to a service agreement with the Borough, as of any particular time, used or usable for collecting, transporting, pumping and disposing of Wastewater, which facilities are connected to and served by the Sewage Treatment Plant. The Sewage Collection System includes Sanitary Sewers and

Combined Sewers, but not Storm Sewers.

SEWAGE TREATMENT PLANT - that portion of the Sewer System owned by the Authority and operated by the Borough, which is designed to provide treatment of Wastewater and discharge of treated effluent to the environment.

SEWER - a pipe or conduit for conveying Wastewater or Stormwater.

SEWER SYSTEM - the Sewage Collection System, Sewage Treatment Plant, and any Sewers that convey Wastewater to the Sewage Treatment Plant. For the purposes of this Part 4, "Sewer System" shall also include any sewers that convey Wastewater to the Sewage Treatment Plant from Persons who are Users of the Sewer System.

SHALL - denotes that the referenced action or requirement is mandatory: May is permissive.

SIGNIFICANT INDUSTRIAL USER - except as provided by 40 C.F.R. §403.3(t)(2), an Industrial User who (1) has a Discharge flow of 25,000 gallons or more of Industrial Waste (excluding any constituent Sanitary Sewage or Non-contact Cooling Water) per average work day; (2) Discharges Industrial Waste which makes up 5 percent or more of the average dry weather organic capacity of the Sewage Treatment Plant; (3) is regulated by Categorical Standards; or (4) is determined by the Township or the Borough to have the reasonable potential of adversely affecting the operation of the POTW, causing Interference or Pass Through, or of violating any Pretreatment Requirement.

SIGNIFICANT NONCOMPLIANCE - a Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Township and contained in Section 409(11) of this Part 4.

SIGNIFICANT VIOLATOR - any Industrial User in Significant Noncompliance.

SLUG OR SLUG LOAD - any Prohibited Discharge.

SPILL - any Discharge of a non-routine, episodic nature, including but not limited to an accidental Spill or a non-customary batch Discharge, or the control or cleanup activities associated with such an occurrence; an accidental Spill may result from the spilling, overflowing, rupture, or leakage of any storage, process or transfer container.

SPCC PLAN - a spill prevention, control and countermeasure plan prepared by an Industrial User to minimize the likelihood and intensity of a Slug Load or Spill and to expedite control and cleanup activities should a Slug Load or Spill occur.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE - Commonwealth of Pennsylvania.

STORMWATER - any flow of water occurring during or following any form of natural precipitation and resulting therefrom.

STORM SEWER - a Sewer designed and constructed primarily for the purpose of carrying Stormwater, but not Sanitary Sewage or Industrial Wastes. Storm Sewers are not part of the Sewage Collection System.

SUPERINTENDENT - the superintendent of the Sewage Treatment Plant or his duly authorized representative.

SUSPENDED SOLIDS - the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

TOTAL SOLIDS - the sum of the dissolved and undissolved solid constituents of water or Wastewater.

TOTAL TOXIC ORGANICS - the sum of all quantifiable values of various organic pollutants as determined by the Township, or, for certain Categorical Industrial Users, as defined in the applicable Categorical Standard.

TOWNSHIP - the Township of Logan, Blair County Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, or its duly authorized agent.

TOXIC ORGANIC MANAGEMENT PLAN - a plan submitted in lieu of testing for Total Toxic Organics in which an Industrial User specifies methods of control to assure that Total Toxic Organics do not routinely enter the Sewer System.

TOXIC POLLUTANTS - any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or identified in sludge regulations under Section 405(d) of the Act which is applicable to the Sewage Treatment Plant sludge.

UNAUTHORIZED DISCHARGE - discharge of an Unauthorized Waste, or a Discharge which otherwise is not in Compliance with the requirements of the Industrial Pretreatment Program, the Ordinance, or other Rules or Regulations of the Township.

UNAUTHORIZED WASTE - any substance which is Discharged into the Sewage Collection System which is not in Compliance with the provisions of the Industrial Pretreatment Program, or which is Discharged by a Person in violation of any of the provisions of this Part 4.

USER - any Person who contributes, causes or permits the Discharge of

Wastewater into the Sewer System.

WASTEWATER - Industrial Wastes or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which enters the Sewer System.

WATERS OF THE STATE - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

WASTEWATER DISCHARGE PERMIT - as set forth in Section 408 of this Part 4.

(Ord. 5-20-99, 5/20/99, §2)

§406. Regulated Discharges.

1. Discharge of Stormwaters. No Person shall Discharge or cause or permit to be Discharged any surface water, groundwater, roofwater, subsurface drainage, building foundation drainage or Stormwater from pavements and area ways into any Sanitary Sewer. Discharges of Stormwater into Combined Sewers is allowed to the extent provided by State, Township and Borough statute and regulation.

2. Storm Sewers. No Person shall introduce or cause or permit to be introduced any Wastewater, Sanitary Sewage, or Industrial Waste into any Storm Sewer.

3. Prohibited Discharges. No User shall Discharge or cause to be Discharged, directly or indirectly, any Pollutant or Wastewater which will Interfere with the operation or performance of the Sewer System. These general prohibitions apply to all Users whether or not the Users are subject to any other Pretreatment Requirements. No Person may Discharge any of the following substances to the Sewer System:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer System or to the operation of the Sewer System. At no time, shall two successive readings on an explosion hazard meter, at the point of Discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of the discharged Wastewater be less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 C.F.R. § 261.21. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates, and carbides.

B. Solid or viscous substances which may cause obstruction to the flow in a

Sewer or other Interference with the operation of the Sewer System, such as, but not limited to: grease, Garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any Wastewater having a pH less than 5.5 or higher than 10.0, or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Sewer System.

D. Any Wastewater containing Pollutants in sufficient quantity, either singly or by interaction with other constituents of the Wastewater, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Sewage Treatment Plant, or to exceed the limitation set forth in an applicable Categorical Standard.

E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other substances present in the Sewer System are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sewer System for maintenance and repair.

F. Any substance which results in the formation or release of toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.

G. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

H. Any substance which may cause the Sewage Treatment Plant's effluent or any other product of the Sewage Treatment Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance Discharged to the Sewer System cause the Sewage Treatment Plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Clean Water Act, Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

L Any substance which will cause the Authority to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.

J. Any Wastewater with objectionable Color which will Pass Through the Treatment Plant or which will cause or contribute to Pollution, such as, but not limited to, dye wastes and vegetable tanning solutions.

K. Any Wastewater having a temperature which will inhibit biological activity in the Sewage Treatment Plant resulting in Interference, but in no case Wastewater with a temperature at the Discharge into the Sewer System which exceeds 40° C (104° F) or is less

than 0° C (32° F).

L. Any Pollutants, including oxygen demanding Pollutants (BOD, etc.) released at a flow rate and/or Pollutant concentration which will cause Interference to the Sewage Treatment Plant or interfere with the operation of the Sewer System.

M. Any Wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Township or Borough or applicable State or national standards, cause Interference, or otherwise adversely impact the POTW or cause or contribute to Pollution.

N. Any trucked or hauled Wastewater.

O. Any Wastewater which is incompatible with treatment processes in use at the Sewage Treatment Plant so as to cause Interference or Pass Through.

P. Any Wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophen oxypropionic acid, or other persistent herbicides, pesticides or rodenticides.

Q. Any Infectious Waste.

4. Unauthorized Discharges. Except as otherwise provided in Section 417 of this Part 4, any Discharge that is prohibited under Paragraph 3 of this Section shall be considered an Unauthorized Discharge and the Township may take whatever steps are necessary to halt such a Discharge, as set forth in Section 409 of this Part 4 or as otherwise provided by law.

5. Categorical Standards. If the Categorical Standards for a particular Industrial User are more stringent than Local Limits or other requirements imposed under this Part 4, then the Categorical Standards shall apply. The National Categorical Pretreatment Standards as set forth in 40 C.F.R. Parts 405 et seq. are hereby incorporated into the Industrial Pretreatment Program as program requirements for those Industrial Users subject to such Categorical Standards.

6. State Requirements. State requirements and limitations on Discharges shall apply in any case where they are more stringent than national requirements and limitations or those established under this Part 4.

7. Local Limits. The Township may establish, and review from time to time, Local Limits regulating the Discharge of specific Pollutants by Industrial Users. Local Limits developed to prevent Pass Through or Interference, or to implement Prohibitive Discharge Standards shall be approved by the Approval Authority.

A. Local Limits may be established for any substance which is Discharged, or is likely to be Discharged, to the Sewer System.

B. Local Limits may limit concentration, mass, or a combination of the two.

C. The procedure for the calculation of Local Limits may be as recommended by the

Approval Authority or otherwise considered appropriate by the Borough.

D. Local Limits shall be calculated for Pollutants, as deemed necessary, to prevent Interference and Pass Through. In addition, Local Limits may be calculated to prevent the Discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the Sewer System; or such other factors as deemed appropriate by the Township.

E. Local Limits are applicable to all Significant Industrial Users and may be included in Wastewater Discharge Permits. Local Limits may be imposed on Discharges from other Users as deemed appropriate by the Township.

F. Discharging any Pollutant in excess of a Local Limit established for that Pollutant shall constitute an Unauthorized Discharge.

8. Prohibition on Dilution. Except where expressly authorized to do so by an applicable Categorical Standard or Pretreatment Requirement, no Industrial User shall, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Pretreatment to achieve compliance with the limitations contained in applicable Categorical Standards, or in any other pollutant-specific limitation, including Local Limits, developed by the Township, Borough or State.

9. Slug Loads and Spills. Each Industrial User shall provide protection from Spills or accidental Discharges that result in Unauthorized Discharges or Slug Load Discharges. Facilities to prevent Spills and Slug Loads shall be provided and maintained at the Owner or Industrial User's own cost and expense.

A. Notification. In the case of a Spill or Slug Load or other Unauthorized Discharge, it is the responsibility of the Industrial User to immediately telephone and notify the Superintendent of the incident. The notification shall include location of Discharge, type of waste, concentration and volume, corrective actions being taken or planned, and expected duration.

B. Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a Spill or other Unauthorized Discharge. Employers shall insure that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

C. Written Notice. Within five (5) days following a Spin, Slug Load, or other Unauthorized Discharge, the Industrial User shall submit to the Township a detailed written report describing the cause of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as, a result of damage to the Sewer System, fish kills, or any other damage to Person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Part 4 or applicable law. This notice requirement may be waived by the Township for an Industrial User which is not required to submit a plan under Subsection D, below.

D. SPCC Plans.

(1) All Significant Industrial Users existing at the time of enactment of this Part 4 shall complete and submit for approval a Spill Prevention Control and Countermeasure (SPCC) Plan, or provide acceptable evidence that such a Plan is not necessary for their facility, within nine (9) months of the enactment of this Part 4.

(2) No Significant Industrial User who commences Discharge to the Sewer System after the effective date of this Part 4 shall be permitted to introduce Pollutants into the Sewer System until it has completed and submitted for approval an SPCC Plan, or provided acceptable evidence that such a Plan is not necessary for its facility. The Township, at its discretion, may require an SPCC Plan for any other Industrial User.

(3) SPCC Plans for Significant Industrial Users shall, at a minimum, contain the elements specified in 40 CFR §403.8(f)(2)(v)(A)-(D). SPCC Plans shall be submitted to the Township for review, and shall be approved by the Township before implementation of the Plan or construction of any required facilities. Review and approval of such Plans, facilities and operating procedures by the Township and/or Borough shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of the Industrial Pretreatment Program, nor shall such review and approval be deemed to constitute any assurance or warrant on the part of the Township as to the effectiveness or safety of the SPCC Plan.

10. Garbage Grinders.

[RESERVED]

11. Trucked and Hauled Wastes. Discharge of trucked or hauled wastes into the Sewage Collection System within the Township is prohibited.

12. Grease and Sand Traps. Grease, oil and sand interceptors or traps shall be provided by a User when the Township determines that such devices are necessary for the proper handling of Wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur, and shall be located as to be readily and easily accessible for cleaning and inspection.

13. Notification Requirements - Hazardous Wastes and Hazardous Substances.

A. All Industrial Users shall notify the Township, the Borough, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Resources, Bureau of Waste Management, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall include the name of the hazardous waste, as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the Industrial User Discharges more than 100 kilograms of such waste per calendar

month, the notification shall also include the following information, to the extent that it is known and readily available to the Industrial User:

- (1) An identification of the hazardous constituents contained in the waste;
- (2) An estimation of the mass and concentration in the Wastewater of all such constituents Discharged in the most recent month; and
- (3) An estimate of the mass and concentration of such constituents expected to be Discharged during the following twelve months.

B. Industrial Users that commence Discharge of a hazardous waste after the effective date of this Part 4 shall submit the report within 180 days of first Discharge of the hazardous waste, except as provided in Part D of this paragraph. If the new Discharge constitutes a change in the character of the Industrial Waste, the Industrial User shall also comply with the requirements of Section 408(20) of this Part 4. In the case of any new regulations under 40 CFR Part 261 identifying additional wastes as characteristic or listed hazardous waste, the Industrial User discharging such substances shall submit the report within 90 days of the effective date of the new regulations.

C. The required report need be submitted only once for each hazardous waste Discharged. Industrial Users regulated under Categorical Standards which have already reported such substances in baseline monitoring reports, 90 day compliance reports or periodic compliance reports do not have to report this information again.

D. Industrial Users that Discharge less than fifteen (15) kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e).

E. Each notification required by this section shall include a statement certifying that the Industrial User has a program in place to reduce the volume and/or toxicity of the Discharged wastes to the extent that it is economically practical. This statement shall be signed by the Authorized Representative of the Industrial User.

(Ord. 5-20-99, 5/20/99, §2)

§407. Fees.

1. Purpose. It is the purpose of this Section to provide for the recovery of costs from Industrial Users of the Sewer System for the implementation of the Industrial Pretreatment Program established herein. When the Borough implements, administers or enforces the Industrial Pretreatment Program, the Borough may establish and assess such fees for Users within the Township.

2. Fees that may be Charged. The Township or Borough may adopt charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program;

- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental Discharge procedures (SPCC Plans) and construction;
- D. Fees for Wastewater Discharge Permit applications;
- E. Fees for filing appeals;
- F. Other fees as the Township or Borough may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Part 4 and are separate from all other fees chargeable by the Township.

(Ord. 5-20-99, 5/20/99, §2)

§408. Permits and Reports for Industrial Waste Discharged into the Sewer System.

1. Requirement for Wastewater Discharge Permits.

A. Discharge of any Industrial Waste to the Sewer System without a Wastewater Discharge Permit, except as authorized by the Township in accordance with the provisions of this Part 4, is an Unauthorized Discharge and subject to the penalties provided herein.

B. The Township reserves the right, at its sole discretion, to deny the issuance of a Wastewater Discharge Permit, or to issue such a Permit conditionally. Such discretion may also be exercised by the Township and its agent when administering the Industrial Pretreatment Program as provided in Sections 412 through 417 of this Part 4.

2. Significant Industrial Users.

A. All Significant Industrial Users proposing to connect to or to Discharge to the Sewer System shall obtain a Wastewater Discharge Permit before connecting to or Discharging to the Sewer System.

B. All Significant Industrial Users that are connected to or Discharging to the Sewer System at the time of enactment of this Part 4 shall apply for and obtain a Wastewater Discharge Permit within ninety (90) days of the effective date of this Part 4.

3. Other Industrial Users.

A. Except as otherwise required by the Township or Borough on a case-by-case basis, Industrial Users which are not Significant Industrial Users do not require a Wastewater Discharge Permit, but are required to comply with all other provisions of this Part 4.

B. If an Industrial User makes changes to processes, flow, Wastewater concentration, Wastewater characteristics, or other changes which result in the Industrial User meeting the definition of Significant Industrial User, the Industrial User shall immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned by the Industrial User, notify the Township and apply for a Wastewater Discharge

Permit.

C. The Township, at its discretion, may modify the time frame for submission of a permit application and may require any non-Significant Industrial Users to apply for and obtain a Wastewater Discharge Permit, as the Township deems appropriate.

4. Signatory Requirements. When an application for a Wastewater Discharge Permit, any required report, an appeal, or any other document as required by this Part 4 or Pretreatment Requirements is submitted by an Industrial User, such document shall be signed by an Authorized Representative of the Industrial User, as defined in this Part 4. If an authorization under item (4) of the definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, then:

A. A new authorization satisfying the requirements of paragraph (4) of the definition of Authorized Representative must be submitted to the Township prior to or together with any documents to be signed by an Authorized Representative; or

B. The Authorized Representative as defined in parts (1), (2) or (3) of the definition of Authorized Representative must sign any such documents.

5. Permit Applications. Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Township an application in the form prescribed by the Township, and accompanied by the prescribed fee. A new facility planning to discharge to the Sewer System shall make such submission prior (e.g., 90 days in advance) to the date it intends to connect to or Discharge to the Sewer System so as to provide ample time for the permitting process. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

A. Name, address, and location, (if different from the address);

B. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

C. Wastewater constituents and characteristics as required by the Township, as determined by a Qualified Analyst;

(1). Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(2). Sample results shall be accompanied by a signed statement of the Authorized Representative that the samples analyzed are representative of normal Discharge during the routine operation of the discharging facility;

((3). In lieu of analytical results when a new facility is planned and Wastewater is not available for analysis, the applicant may provide:

(a) The results of analyses of Wastewater discharged from facilities utilizing processes similar to the one planned; or

(b) An estimate provided by a qualified professional regarding the probable constituents of the Wastewater, including a description of the basis for making the estimate.

D. Each product by type, amount, process or processes and rate of production, or, for new facilities, a reasonable estimate thereof;

E. Type and amount of raw materials processed (average and maximum per day), or, for new facilities, a reasonable estimate thereof;

F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

G. Time and duration of Wastewater or Industrial Waste contribution;

H. Average daily and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variation if any;

I. Site plans, floor plans, mechanical and plumbing plans and details to show all floor drains, Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;

J. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged;

K. The nature and concentration of any Pollutants in the Discharge which are limited by any Township, Borough, State, or national Pretreatment Requirement (including Local Limits), Prohibitive Discharge Standard or Categorical Standards, and a statement regarding whether or not the Categorical Standard, Prohibitive Discharge Standard or Pretreatment Requirements are being met on a consistent basis and, if not, how the Industrial User proposes to meet the applicable Standards or other Pretreatment Requirements, including whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the applicable Standard or Requirement. If the applicant is a Categorical Industrial User, this statement shall be signed by a Certified Professional.

L. If additional Pretreatment and/or O&M will be required to meet Categorical Standards, Prohibitive Discharge Standard, or other Pretreatment Requirements (including Local Limits), the shortest schedule by which the Industrial User will provide such additional Pretreatment shall be developed and submitted. The completion date of this schedule for any Categorical Standard shall not be later than the compliance date established for the applicable Categorical Standard. The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the

applicable Categorical Standards or other Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) For compliance with a Categorical Standard, no increment referred to in subpart (1) shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule pertaining to compliance with a Categorical Standard and the final date for compliance, the Industrial User shall submit a progress report to the Township including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Township.

M. Any other information as may be deemed by the Township or Borough to be necessary to evaluate the application.

N. The application shall be signed and attested to by an Authorized Representative of the Industrial User.

The Township will evaluate the data furnished by the Industrial User and may require additional information, which information shall be submitted within a reasonable time by the Industrial User. After evaluation of the information furnished, the Township may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

6. Confidentiality of Applications.

A. All information required by the Township in the Permit application shall be provided by the Industrial User to the best of its ability.

B. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the Industrial User, such information shall be marked "confidential" on the application form.

C. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Wastewater Discharge.

D. Information accepted by the Township as confidential shall be handled as detailed in paragraph 21 of this Section.

7. Wastewater Discharge Permit Conditions.

A. Wastewater Discharge Permits are hereby expressly subject to all provisions of this Part 4 and all other applicable regulations, user charges and fees established by the Township. Permits shall contain the conditions specified in 40 CFR §403.8(f)(1)(iii). Permits may contain, but are not limited to the following:

- (1) Limits on the average and maximum Wastewater or Industrial Waste constituents and characteristics, including Local Limits and/or Categorical Standards, as applicable;
- (2) List of Prohibited Discharges, as presented in Section 406 of this Part 4;
- (3) Requirements for submission of technical reports or Discharge reports, including the information to be contained therein and the signatory requirements of these reports;
- (4) Specifications for monitoring programs which may include the specific substances to be analyzed, sampling locations, frequency of sampling, number, types and standards for tests, toxicity testing, and reporting schedules;
- (5) Requirements for maintaining and retaining records relating to Industrial Waste and Wastewater Discharges and characteristics as specified by the Township, and affording the Township access thereto;
- (6) Requirements for notification to the Township of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being Discharged into the Sewer System;
- (7) Requirements for notification of Slug Loads as per Section 406(9);
- (8) Statement of duration of the Wastewater Discharge Permit, as provided in Section 408(9);
- (9) Notification of the rules regarding transferability, as stated in Section 408(8);
- (10) Notification of penalties provided for Noncompliance as contained in Sections 409 and 410 of this Part 4;
- (11) Requirements pertaining to modification, suspension, and termination of the Wastewater Discharge Permit, and notification of appeal rights;
- (12) Limits on average and maximum rate and time of Discharge or requirements for flow regulation and equalization;
- (13) Requirements for installation and maintenance of inspection and sampling facilities;
- (14) Requirements for installation and maintenance of Pretreatment facilities;
- (15) Requirements for developing and implementing special plans or practices such as Toxic Organic Management Plans, Toxic Reduction Evaluations, special management or housekeeping practices, or other such procedures;

(16) Compliance schedules;

(17) The unit charge or schedule of User charges and fees for the Wastewater to be Discharged to the Sewer System; and

(18) Other conditions as deemed appropriate by the Township to ensure compliance with this or any other applicable ordinance and applicable Federal, State and local Pretreatment Requirements.

B. A Wastewater Discharge Permit, in addition to implementing requirements as mandated by federal pretreatment regulations, may be a means for the Township to implement other requirements in accordance with federal, state and local law. Implementation and enforcement of such provisions shall be at the discretion of the Township or the Borough acting as the Township's agent as provided in Section 412.

8. Transferability of Permits. Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new Person, new Industrial User, different premises, or a new or changed operation without the approval of the Township. If such a transfer is approved by the Township, the existing Owner or Operator shall provide a copy of the Wastewater Discharge Permit to the new Owner or Operator. Any succeeding Industrial User shall also comply with the terms and conditions of the existing Wastewater Discharge Permit. The Township may, at its discretion, deny the transfer of a Wastewater Discharge Permit and require application for a new Wastewater Discharge Permit under the provisions of this Section.

9. Duration and Modification of Wastewater Discharge Permits.

A. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period- of less than five years or may be dated to expire on a specific date. Except as otherwise approved by the Township, the Industrial User shall apply for reissuance of the Wastewater Discharge Permit a minimum of 90 days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit.

B. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Township during the term of the Wastewater Discharge Permit as limitations or requirements as identified in Section 406 are modified or other just cause exists, including but not limited to the following.

(1) Violation by the Permittee of any term or condition of the Wastewater Discharge Permit and/or any requirement set forth in an applicable pretreatment law, ordinance, regulation or rule by the Permittee;

(2) A Wastewater Discharge Permit was obtained by misrepresentation or failure to disclose fully all relevant facts in either a permit application, application for renewal, or any report, including the falsification of self-monitoring reports or the tampering with monitoring equipment;

(3) Promulgation of more stringent standards under Federal, State or local law, including the adoption of new or revised pretreatment ordinances by the Township;

(4) Changes in the processes used by the Permittee or changes in the volume or character of the Industrial Waste;

(5) Changes in the design or capability of the POTW, NPDES permit requirements or sludge disposal requirements;

(6) A change in any condition that requires a temporary or permanent reduction or elimination of the Discharge;

(7) Failure to allow timely access to the Industrial User's facility or records; and

(8) Failure to timely pay fines, fees or applicable sewer charges.

10. Continuation of Expired Permits.

A. If the Industrial User has applied for renewal as provided for in paragraph 9 of this Section 408, and the Wastewater Discharge Permit is not renewed on or before the expiration date through no fault of the Industrial User, then the existing Wastewater Discharge Permit shall remain in effect pending a decision on the application for a re-issued permit by the Township.

B. If the Wastewater Discharge Permit is not renewed because of a failure of the Industrial User to apply for renewal in a timely fashion or through an act or omission of the Industrial User, then Discharge of Industrial Waste by the Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge and may be subject to the enforcement actions provided for herein.

11. Appeal of Wastewater Discharge Permits.

A. Any Industrial User that is issued or reissued a Wastewater Discharge Permit may appeal the Permit conditions, in whole or in part. If a Wastewater Discharge Permit is modified during its effective term, the Industrial User may appeal only the conditions which have been changed. Appeal procedures applicable to these permit actions, as well as suspension or revocation of a Wastewater Discharge Permit, shall be as set forth in Section 409(7) of this Part 4.

B. During the process of appeal, the Wastewater Discharge Permit shall remain in effect and shall be subject to potential enforcement unless, upon the request of the Permittee, the Township or Borough grants a stay of Permit condition(s). Pursuant to Section 409(7), conditions imposed by Federal or State Regulations (e.g. Categorical Standards) shall not be appealed or stayed. Conditions which, in the opinion of the Township, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal.

C. The denial of issuance of a Wastewater Discharge Permit may be appealed under the procedures set forth in Section 409(7) of this Part 4.

12. Baseline Monitoring Reports.

A. Where an Industrial User, subject to a newly promulgated Categorical Standards (i.e., an Existing Source), has not previously submitted an application for a Wastewater Discharge Permit as required by Section 408(5) of this Part 4 the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard;

(1) Apply for a Wastewater Discharge Permit; and

(2) Provide the Baseline Monitoring Information required by 40 C.F.R. § 403.12(b) (this information may be incorporated into the application, for a Wastewater Discharge Permit); and

(3) Provide a compliance schedule for meeting the Pretreatment Standards as required by 40 C.F.R. §403.12(c) if such a schedule is required. The requirements of such a compliance schedule are described in Section 408(5)(L) of this Part 4.

B. An Industrial User with an existing Wastewater Discharge Permit shall submit to the Township within 180 days after the promulgation of an applicable Categorical Standard the information required by 40 C.F.R. § 403.12(b).

C. A New Source or Industrial User that becomes a Categorical Industrial User through a change in facilities or processes, shall submit a report containing the information required by 40 C.F.R. §403.12(b) at least 90 days prior to commencement of discharge from the regulated process or facility. This information may be incorporated into the application for a Wastewater Discharge Permit submitted in such time frame.

D. Baseline Monitoring Reports shall be signed and certified by an Authorized Representative in accordance with 40 C.F.R. §§ 403.12(l) and 403.6(a)(2)(ii).

13. Categorical Compliance Report. Within 90 days following the date for final compliance with applicable Categorical Standards or, in the case of a New Source, following commencement of the Discharge of Industrial Waste from processes regulated by Categorical Standards into the Sewer System, any Industrial User subject to Categorical Standards shall submit to the Township a report in accordance with 40 C.F.R. §403.12(d), including, information indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Categorical Standards and the average and maximum daily flow for those process units in the Industrial User's facility which are limited by such Categorical Standards. The report shall certify that the information contained therein concerning Wastewater constituents and flows is representative of Discharges during normal work cycles. The report shall also state whether the applicable Categorical Standards are being met on a consistent basis and, if not, what additional Operation and Management practices and/or Pretreatment is necessary to bring the Industrial User into compliance with the applicable Categorical Standards, and including a schedule for completion of the required actions in the form described in Section 408(5)(L) of this Part 4. Such a schedule shall not have a compliance date later than that established for the applicable Categorical Standard. This statement shall be signed by an Authorized Representative of the Industrial User in accordance with 40 C.F.R. §§ 403.120) and 403.6(a)(2)(ii), and certified to by a Certified Professional.

14. Periodic Compliance Reports.

A. All Significant Industrial Users shall report to the Township at least twice a year, the date of the report to be as determined by the Township and contained in the Wastewater Discharge Permit. Reports may be required more frequently as deemed necessary by the Township.

B. The reports required under this Section shall contain the information required by 40 C.F.R. §403.12(e), 403.12(g) and/or 403.12(h), as applicable including, at a minimum, the measured concentrations of all Pollutants regulated by Categorical Standards or otherwise regulated by the Wastewater Discharge Permit, a record of any measured daily flows and a statement of accuracy and completeness signed and certified by the Authorized Representative of the Significant Industrial User in accordance with 40 C.F.R. §§403.12(l) and 403.6(a)(2)(ii). Reports shall also contain any other information as required by the Township.

C. For Significant Industrial Users subject to Categorical Standards, if Discharge limits are based on mass units per production unit, then production information regarding the regulated processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of Compliance or Noncompliance with Categorical Standards can be made.

D. For Significant Industrial Users subject to Categorical Standards, the report shall contain certification of Compliance with those Standards, signed by a Certified Professional.

15. Reporting and Resampling of Discharge Limit Violations.

A. If upon receipt of valid sampling and testing results an Industrial User becomes aware that a violation of Discharge limits has occurred, the Industrial User shall, within 24 hours of becoming aware of the violation, notify the Township of this fact. Except as otherwise approved by the Township and provided by 40 C.F.R. §403.12(g)(2)(i) and (ii), the Industrial User shall also re-sample and analyze its Discharge(s) for each parameter found to be in violation and report the results of the re-sampling and analysis to the Township within 30 days of becoming aware of the violation.

B. Each Significant Industrial User shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any Wastewater Discharge Permit condition has been violated. Failure to examine and compare testing results with Wastewater Discharge Permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

16. Sampling and Analysis.

A. Each Industrial User shall perform waste stream sampling and analyses in accordance with its Wastewater Discharge Permit or as otherwise required by the Township.

B. All sampling and analysis performed by the Industrial User in compliance with Wastewater Discharge Permit conditions, to prepare the reports required in paragraphs 12, 13, 14 and 15 of this Section, or as otherwise required by the Township or Borough shall be accomplished using techniques specified in 40 CFR Part 136 or alternative procedures

approved by the Township and the Administrator. Unless otherwise required, all sampling should be performed during a Normal Production Day and should reflect the usual and typical Wastewater Discharge of the User.

C. The Industrial User may monitor more frequently than otherwise required by the Township. If the Industrial User monitors any pollutant, subject to an effluent limitation at the location designated for compliance monitoring, more frequently than otherwise required by the Township, using the procedures set forth in 40 CFR Part 136 or otherwise required, the results of such monitoring shall be included in the calculation and reporting of the data submitted to the Township.

D. Where the Township performs the sampling or collects the required information herein, the Township may waive the corresponding reporting requirement as provided in 40 CFR §§403.12(g) and 403.12(h).

E. The Industrial User shall ensure that all monitoring and analytical equipment it uses to monitor or otherwise analyze the pollutants discharged to the Sewer System are periodically calibrated and maintained at intervals which ensure the accuracy of measurements.

F. If sampling results indicate that the Industrial User has exceeded an effluent limitation, the Township, as an enforcement response to such violation, may require the Industrial User to undertake increased sampling. Upon notification from the Township the Industrial User shall undertake such additional monitoring as directed.

17. Monitoring Facilities.

A. The Township may require an Industrial User to provide and operate at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Wastewater or Industrial Waste Discharge. The monitoring facility should normally be situated on the Industrial User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the Industrial User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications.

D. Construction shall be completed within 90 days following written notification by the Township, unless the Industrial User can show to the Township's satisfaction that a longer time period is necessary.

18. Inspections. The Township and its duly authorized representatives, including contractors, may inspect the facilities of any User to ascertain whether the purpose of this Part 4 is being met and

all requirements are being complied with. Persons or occupants of premises where Wastewater is created or Discharged shall allow the Township or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. Areas which are subject to inspection include, but are not limited to, areas which could result in Wastewater Discharge to the Sewer, such as manufacturing areas and chemical storage areas; Pretreatment facilities; spill prevention and control facilities; hazardous waste generation areas; industrial self-monitoring facilities and areas where relevant documentation is kept or stored. The Township, the Borough and the Approval Authority, and their agents shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry onto their premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Township, Borough and Approval Authority will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. It shall not be inferred, however, that the Township is authorized to enter upon property of any Industrial User under this section for any purpose in the event such entry is not otherwise allowable under Pennsylvania law.

19. Pretreatment Facilities. Industrial Users shall provide necessary Wastewater Pretreatment as required to comply with this Part 4 and shall achieve Compliance with all applicable Categorical Standards within the time limitations as specified by the applicable Categorical Standards, and for other Pretreatment Requirements, shall achieve Compliance as specified by the State or Township, whichever is more stringent. Any facilities required for Pretreatment shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be acceptable to the Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce a Discharge which complies with the provisions of this Part 4. Any subsequent substantial changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the Industrial User's initiation of the changes. The review and acceptance of plans and procedures by the Township shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the Industrial User.

20. Change in Operations.

A. Any Industrial User contemplating or planning a substantial change in the manufacturing process, raw materials, auxiliary processes, Pretreatment processes or other changes which may result in substantial changes to Wastewater character composition, volume or rate of flow, shall notify the Township in writing at least 30 days prior to making such a change, or, if the change is not planned 30 days or more in advance, immediately upon the decision to make such a change. If a change in Wastewater characteristics occurs without the knowledge of the Industrial User, the Industrial User shall report the change immediately upon becoming aware of it. The report shall include all information necessary to determine the effect on the Wastewater of the change. The Township may require the Industrial User to undertake a compatibility study to demonstrate to the satisfaction of the Township that the wastewater to be discharged is compatible with the Sewer System, will not affect any requirements imposed upon the Township or Borough (including NPDES and sludge disposal requirements) and will not otherwise adversely affect the POTW.

B. The Township may, on receipt of such a report:

- (1) Continue an existing Wastewater Discharge Permit in effect;
- (2) Require application for a new Wastewater Discharge Permit;
- (3) Modify an existing Wastewater Discharge Permit to reflect the changed nature of the waste;
- (4) Rescind and re-issue an existing Wastewater Discharge Permit in order to make substantial changes in Wastewater Discharge Permit conditions;
- (5) Revoke an existing Wastewater Discharge Permit or require the Industrial User to cease or prevent the Discharge; or
- (6) Take such other action as it deems appropriate.

21. Confidentiality.

A. Information and data on an Industrial User obtained from reports, questionnaires, Wastewater Discharge Permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the Industrial User specifically requests at the time of submission and is able to demonstrate to the satisfaction of the Township that the release of such information, processes or methods of production are entitled to protection as trade secrets of the Industrial User. Wastewater constituents and characteristics shall not be recognized as confidential information.

B. When requested by the Person furnishing a report, and supported by evidence acceptable to the Township as to need for protection as confidential material, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to the Township, and, upon request, to governmental agencies for uses related to this Ordinance, the Authority's NPDES Permit, any State permit and/or the Industrial Pretreatment Program; in addition, such portions of a report shall be available for use by the EPA, the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report.

C. When information accepted by the Township as confidential is transmitted to any, government agency, a notification to the Industrial User may be provided listing the confidential information transmitted, and the governmental entity requesting it. The person seeking confidentiality protection of the information shall bear the burden of demonstrating to the other governmental agency that such information is entitled to confidential protection

22. Records.

A. All Industrial Users shall keep and maintain records of monitoring, activities and results, Wastewater Discharge Permits, and reports to the Township and the Borough in accordance with 40 C. F. R. §403.12 (o) (1) and (2), for a minimum of 3 years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the Industrial User has been notified of a longer retention period by

the Township or Borough.

B. The Industrial User shall furnish the Township, within a reasonable time, any information which the Township may request to determine whether cause exists for modifying, reissuing, suspending or revoking a Wastewater Discharge Permit or to determine Industrial User compliance. The Industrial User shall also furnish to the Township, upon request, copies of records required to be kept. Where the Industrial User becomes aware that it failed to submit any relevant facts in an application for a Wastewater Discharge Permit, or submitted incorrect information in an application for a Wastewater Discharge Permit, report to the Township or in any other correspondence pertaining to its Industrial Wastewater Discharge, it shall promptly submit such facts or information.

(Ord. 5-20-99, 5/20/99, §2)

§409. Enforcement.

1. Right to Refuse.

A. The Township reserves the right to refuse to accept Wastewater, or combinations of Wastewater, which are Discharged in violation of the terms or conditions of the Industrial Pretreatment Program, or any permit or written directions issued by the Township pursuant to the conditions of the Industrial Pretreatment Program. The Township may take such steps as it deems necessary, as outlined in this Part 4, to compel discontinuance of use of the Sewer System or to require Pretreatment of Industrial Wastes in order to comply with the provisions of this Part 4. The Township may exercise its right of refusal by denial of issuance of a Wastewater Discharge Permit; in such a case the Discharge of Industrial Waste by the Industrial User in question is prohibited.

B. Discharge of any Industrial Waste to the Sewer System by a Significant Industrial User, or by any other User required to have a Permit under Section 408(3), without a Wastewater Discharge Permit is an Unauthorized Discharge, as provided in Section 408(1), and may be subject to the penalties provided herein.

2. Show Cause Hearing.

A. The Township may direct any Industrial User who causes or allows an Unauthorized Discharge to enter the Sewer System, or who violates any condition or requirement of the Industrial Pretreatment Program or its Wastewater Discharge Permit, to show cause before the Township why the proposed enforcement action should not be taken. A written notice may be served on the Industrial User specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the Industrial User to show cause before the Township why the proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation if the Industrial User is a corporation.

B. The Township may itself conduct the hearing and take the evidence, or may

designate any of its members or any representative, including the Pretreatment Coordinator or other Borough official to:

(1) Issue in the name of the Township notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereon.

C. At any hearing held pursuant to this Part 4, testimony taken may be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. After the Township has reviewed the evidence, it may, in writing, direct the Industrial User to take certain actions to correct the Unauthorized Discharge or to achieve Compliance. The actions which may be directed include, but are not limited to:

(1) Installation of Pretreatment facilities or equipment;

(2) Modification or additions to existing Pretreatment facilities or equipment;

(3) Initiation of management practices which are required to alter the nature of the Industrial Waste being Discharged;

(4) Development or implementation of SPCC plans or other measures;

(5) Other measures found to be necessary to correct the Unauthorized Discharge or other Noncompliance.

(6) The direction may be in the form of a schedule for Compliance, setting dates by which certain actions shall be taken.

E. Failure of an Industrial User to comply with written directions issued pursuant to a hearing constitutes a violation of this Part 4.

F. As provided in Section 412 of this Part 4, Show-Cause hearings may be scheduled, held and adjudicated by the Borough, acting in the name of the Township, and such actions as the Borough may take in the conduct and conclusions of such a hearing shall constitute final administrative action.

3. Revocation of Permit.

A. Any Industrial User who violates the following conditions of this Part 4, or applicable State and Federal regulations, is subject to having its Wastewater Discharge Permit revoked.

(1) Failure of an Industrial User to factually report the Wastewater constituents and characteristics of its Discharge in any application for a Wastewater Discharge Permit, or in any reports required by paragraphs 12, 13, 14 or 15 of Section 408;

(2) Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in this Section 408(20);

(3) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the Wastewater Discharge Permit.

B. Any Industrial User notified of a revocation of its Wastewater Discharge Permit may be required to immediately stop or eliminate the Discharge (even if an appeal of the revocation notice is pending). In the event of a failure of the Industrial User to comply voluntarily with the notice of revocation, the Discharge shall be considered an Unauthorized Discharge and the Township may take such steps as deemed necessary, which may include immediate severance of the connection between the Building Sewer and the Sewage Collection System, or discontinuance of water service, to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.

4. Suspension of Permit.

A. The Township may suspend the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened Discharge which presents or may present an imminent or substantial endangerment to the health or welfare of Persons, to the environment, causes or may cause Interference or Pass Through, or causes or may cause the Township, Borough or Authority to violate any condition of an NPDES Permit or any other federal or State law, rule, regulation or permit condition.

B. Any Industrial User notified of a suspension of its Wastewater Discharge Permit may be required to immediately stop or eliminate the Discharge (even if an appeal of the suspension notice is pending). In the event of a failure of the Industrial User to comply voluntarily with the notice of suspension, the Discharge shall be considered an Unauthorized Discharge and the Township may take such steps as deemed necessary, including immediate severance of the connection between the Building Sewer and the Sewage Collection System, or discontinuance of water service to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.

C. If a Wastewater Discharge Permit has been suspended as a result of an Unauthorized Discharge, which Discharge resulted in or contributed to damages to the Sewer System or to any Person or property, the Wastewater Discharge Permit shall not be reinstated until such time as all such claims have been satisfied.

D. The Township may reinstate the Wastewater Discharge Permit upon submission of proof by the Industrial User of the elimination of the Unauthorized Discharge.

5. Notice of Violation. Whenever the Township finds that any Industrial User has violated or is violating this Part 4, its Wastewater Discharge Permit, or any prohibition, limitation or requirements contained herein, the Township may serve upon such Industrial User a written notice stating the nature of the violation, and requiring a response within a specified time. Responses required of Industrial Users may include, but are not restricted to, actions, plans, compliance schedules, or written explanations.

6. Administrative Orders. The Township may issue written directions as described in paragraph 2, part D, of this Section without a Show Cause Hearing if the Township determines that such directions are necessary to correct conditions or remedy continuing violations of this Part 4 or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, the Township, Borough, Federal or State regulations. Failure of an Industrial User to comply with written directions requiring Compliance with provisions under this Part 4, National Categorical Pretreatment Standards, or a duly authorized Wastewater Discharge Permit constitutes a violation of this Part 4.

7. Right of Appeal.

A. An Industrial User may appeal the enforcement actions enumerated above in paragraphs 3 and 4 of this Section, the denial of a Wastewater Discharge Permit, or conditions contained in a Wastewater Discharge Permit. An appeal is subject to the following requirements.

(1) The appeal must be made in writing to the Township, or to the Borough if the actions being appealed were taken by the Borough acting as agent as provided under the provisions of Section 412 of this Part 4.

(2) The appeal must be made within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, or notice of denial, suspension, modification or revocation of a Wastewater Discharge Permit being appealed by the Industrial User.

(3) The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific directions or actions of the Township or Borough which are being contested.

(4) The appeal must state the reasons for the appeal of each provision.

(5) The appeal may suggest alternate or revised provisions to replace those appealed.

(6) An appeal of a Wastewater Discharge Permit may include a request to stay specific Permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request.

B. Provisions mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed. Conditions which, in the opinion of the Township or Borough, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal.

C. An appeal shall be made to the Township or the Borough as provided above, and shall be reviewed by any designated representative(s) of the Township or Borough as appropriate, provided:

- (1) The representative shall not be the Pretreatment Coordinator; and
- (2) The representative shall not be the Responsible Official.

D. The representative(s) reviewing the appeal shall report in writing to the Township or Borough, as appropriate, the results of the review. The report should contain, at a minimum:

- (1) A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
- (2) The finding of merit for each point, and the reason(s) for finding.
- (3) For each point found to be with merit, a proposed remedy, and a finding that the proposed remedy is allowable under this Part 4, and all applicable federal, State and local rules, regulations and laws.

E. The Township or Borough as appropriate, or a board appointed by the Township or Borough, may, upon its own initiative or in response to a request by the Permittee, review the appeal and the report and, at one or more regular or special public meetings, take any additional testimony offered by the appellant, reviewer, Pretreatment Program Coordinator, or other interested party. The municipality conducting the hearing may, within a reasonable time, decide to:

- (1) Grant a stay of Wastewater Discharge Permit conditions pending a decision on the merits of a Permit appeal;
- (2) Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
- (3) Deny the appeal.

The decision by the municipality conducting the hearing constitutes final administrative action.

F. If the Township, the Borough, or any hearing board appointed by the Township or Borough shall have as a member any Person who has a financial, legal or other proprietary interest in the Industrial User bringing the appeal, such Person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

G. Action of the Township or Borough for which review had been available (e.g., enactment of an ordinance or issuance, modification, suspension or revocation of a Wastewater Discharge Permit) shall not be subject to administrative or judicial review in any civil or criminal proceeding for enforcement.

8. Civil Actions. If any Person violates the provisions of the Industrial Pretreatment Program, including local National or State Pretreatment Requirements, Categorical Standards, or any Wastewater Discharge Permit or written directions issued by the Township, the Township may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Blair County, or any other appropriate forum.

9. Injunctive Relief. If any Person (1) causes or permits an Unauthorized Discharge to occur, (2) otherwise violates the conditions imposed by this Part 4 or any Wastewater Discharge Permit or written directions issued by the Township or the Borough, or any National or State Pretreatment Requirement, or (3) Discharges Wastewater or Industrial Waste which otherwise presents or may present an endangerment to the environment or which threatens to interfere with the operations of the POTW, the Township may commence an action in the Court of Common Pleas of Blair County, or any other appropriate forum, for injunctive relief to stop the Discharge or violation, or to require Compliance with the applicable condition.

10. Enforcement Response Plan. The Township, Responsible Official and the Pretreatment Coordinator may be guided by the Enforcement Response Plan when reviewing Industrial User reports, inspection results and other compliance information, and when taking enforcement action or recommending to the Township enforcement action in response to Noncompliance.

11. Significant Violators. The Township shall publish annually, in the local daily newspaper of highest circulation in the Borough of Hollidaysburg, a list of Industrial Users that were found to be in Significant Noncompliance during the previous calendar year. Significant Noncompliance shall be determined using measures of rate, magnitude, and type of Noncompliance, as delineated below:

A. Chronic violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other numerical limitations on Discharges of Industrial Waste. A Chronic violation occurs if the violation occurs in sixty-six percent or more of all measurements taken during a six month period for the same Pollutant(s).

B. Technical Review Criteria (TRC) violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other numerical limitations on Discharges of Industrial Waste. A TRC violation occurs if thirty-three percent or more of all of the measurements for each Pollutant in a six month period equal or exceed the product of the daily maximum limit or the average limit and the applicable TRC. For conventional Pollutants (BOD, Total Suspended Solids and fats, oil and grease), the TRC equals one and four-tenths (1.4); for all other Pollutants except pH, the TRC equals one and two-tenths (1.2).

C. Any violation of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other narrative or numerical limitations on Discharges of Industrial Waste which the Township or Borough determines has caused Pass Through or Interference, or has endangered the health or safety of Township, Borough or POTW personnel or the public.

D. Any Discharge that has caused imminent endangerment to human health, welfare or the environment, or has caused the Township or Borough to exercise its emergency authority under Paragraphs 1, 3 or 4 of this Section.

E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or submitted in response to written directions of the Township or Borough, for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within thirty (30) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules, or reports on a change in operations.

G. Failure to accurately report any Noncompliance.

H. Any other violation, Noncompliance, or group of violations or Noncompliances, which the Township determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

The Township, subject to its discretion, may, as an enforcement response, publish notification of Industrial User Noncompliance on a more frequent basis than annually or if the level of Industrial User Noncompliance does not meet the Significant Noncompliance standard.

12. Responsible Officials. Except as may be otherwise provided herein, the *Responsible Official*, or other such official as duly appointed by the Borough, shall administer and enforce the provisions of this Part 4. The Responsible Official or other duly appointed responsible official may delegate any or all powers granted by this Part 4 to the Pretreatment Coordinator, or to others as he deems appropriate. In the case that the Township sees fit to unilaterally administer or enforce the provisions of this Part 4 the Chairman of the Board of Supervisors, or his/her duly appointed agent shall be responsible for such actions.

(Ord. 5-20-99, 5/20/99, §2)

§410. Penalties.

A. Any Person who violates any provisions of this Part 4, or the rules, regulations and permits issued hereunder, may be subject to a civil monetary penalty pursuant to applicable law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Borough and the Township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the Person found to have violated this Part 4 or the orders, rules, regulations, and permits issued hereunder. Except for a violation which has been subject to a civil or criminal penalty by the Township, nothing shall be deemed to preclude the Township from commencing an action for a penalty of \$25,000 per day for each violation pursuant to 35 Pa. C.S. §752.1 et seq (also known as the Publicly Owned Treatment Works Penalty Law), subject to the appeal procedures as specified in 2 Pa. C.S.

B. In addition to any applicable civil or criminal penalty, the User is liable for:

(1) All damage which its Discharge causes to the Sewer System or POTW if that damage is caused, in whole or in part, by the Industrial User's Noncompliance with its Wastewater Discharge Permit or any applicable law, ordinance, regulation, rule or

Pretreatment Requirement and

(2) Any penalty imposed upon the Township or Borough (whether by judicial or administrative order or the settlement of a judicial or administrative penalty action) where the violation of the Township was caused or increased by the Industrial User, either alone or in conjunction with Discharge(s) from other source(s).

(Ord. 5-20-99, 5/20/99, §2)

§411. Remedies Not Exclusive. The enumeration of remedies in Sections 409 and 410 of this Part 4 does not restrict their application and shall not be deemed to preclude any other Township remedies, enforcement responses or other causes of action, including those available under common law. Nothing in this Part 4, the Enforcement Response Plan or any other provision of the Township's Pretreatment Program shall be intended to limit the enforcement discretion of the Township to enforce Pretreatment Requirements as otherwise provided for by law.

(Ord. 5-20-99, 5/20/99, §2)

§412. Appointment of Borough as Agent. The Township appoints the Borough of Hollidaysburg as its agent for the purposes of administering the Industrial Pretreatment program. All reports and applications required by this Part 4 to be submitted to the Township shall, unless otherwise directed by the Township, be submitted instead to the Borough. The Borough is hereby authorized to develop all procedures for inspecting Users, reporting, issuing Wastewater Discharge Permits, reviewing Pretreatment facility plans, and otherwise administering all of the provisions of this Part 4 and the Industrial Pretreatment Program. Local Limits developed by the Borough shall be applied as Local Limits authorized by this Part 4 and applied to such Industrial Users as authorized by this Part 4. All administrative enforcement actions, as set forth in Section 409 of this Part 4, may be taken by the Borough, acting as an agent of the Township; this includes, but is not limited to, issuance of written directions and notices of violation, the scheduling and hearing of Show Cause Hearings, and the suspension or revocation of Wastewater Discharge Permits. On the appeal of an action by the Borough by an Industrial User, the Borough will hear the appeal and make final administrative decisions unless the Township exercises its right under this Part 4 to conduct the hearing of the appeal and the right to make final decisions. This appointment may be revoked only upon the amendment of this Part 4 by majority vote of the Board of Supervisors of the Township of Logan, at a duly scheduled and publicly advertised regular or special public meeting.

(Ord. 5-20-99, 5/20/99, §2)

§413. Authorization of Borough to Act in the Name of the Township. All enforcement procedures authorized by Section 409 of this Part 4 may be undertaken, without prior consultation with the Township, by the Borough, and the Borough shall in such instances be authorized to act for and in the name of the Township. It is the intent of the Board of Supervisors of the Township of Logan that the Industrial Pretreatment Program be administered and enforced by the Borough and that all actions taken by the Borough in administering and enforcing this Part 4 are actions on behalf of the Township and may be taken in the name of the Township. This authorization may be revoked only upon the amendment or revocation of this Part 4 by a majority vote of the Board of Supervisors of the Township of Logan at a duly scheduled and publicly advertised regular or special public meeting.

(Ord. 5-20-99, 5/20/99, §2)

§414. Information to be Shared with Borough. Information acquired by the Township which pertains to the provisions of the Industrial Pretreatment Program shall be provided to the Borough in a timely manner. Such information shall include, but not be limited to:

1. Information regarding new Industrial Users or changes in use of existing Users.
2. Information pertaining to the quality, quantity, or rate of flow of Discharges.
3. Information regarding violations of this Part 4 or any of its provisions, or of the Industrial Pretreatment Program.

(Ord. 5-20-99, 5/20/99, §2)

§415. Actions to be Taken in Support of Borough in Administration and Enforcement. The Township may provide such services as may be required or requested in aid of the administration or enforcement of the provisions of the Industrial Pretreatment Program. Such aid and assistance may include, but not be limited to, assistance in obtaining information, record keeping, sampling, inspections or enforcement.

(Ord. 5-20-99, 5/20/99, §2)

§416. Authorization of Borough not Exclusive. Notwithstanding the above, the Township retains the right to administer and enforce the Industrial Pretreatment Program in keeping with the provisions of this Part 4. When so notified by the Township, Users shall provide such information as is required by this Part 4 or its provisions to the Township. The Township may take such administrative or enforcement actions as it deems necessary to comply with the provisions of this Part 4.

(Ord. 5-20-99, 5/20/99, §2)

§417. Special Agreements and/or Waiver of Pretreatment Requirements. Nothing contained in this Part 4 shall be construed as prohibiting special agreements between the Township or Borough and a Person Discharging Industrial Wastes or Wastewaters to the Sewer System, or for the Township or Borough to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Township or Borough, are present, provided, however, that:

A. National Categorical Pretreatment Standards and Prohibitive Discharge Standards (including the general and specific prohibitions set forth at 40 CFR §§403.5(a) and (b)) shall not be waived, unless such waiver is granted by mechanisms established under the Federal Pretreatment Regulations (40 CFR 403 et seq); and

B. In no case shall a special agreement or waiver of Local Limits allow for an Industrial User to Discharge any Pollutant which, alone or in combination with other regulated Industrial User Discharges, would reasonably be expected to exceed the mass loadings determined by the Township as acceptable to the Sewage Treatment Plant based upon considerations of, among other things, Interference, Pass Through and sludge contamination. The Township may consider other factors, e.g., effect of the Discharge on the POTW, future

expansion, etc., as it deems appropriate. In no event shall any special agreement or waiver allow the sum of the loadings allocated to Industrial loadings to exceed the values set forth in any Local Limits analysis submitted by the Township or Borough to EPA and approved by EPA as part of the Industrial Pretreatment Program.

C. The Township may require an Industrial User requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the Industrial User cannot reasonably expect to meet the effluent limitation contained in its Wastewater Discharge Permit or other Pretreatment Requirements, setting forth an expeditious schedule for achieving Compliance with such limitations, and including such other information as the Township may require. In granting any special agreement or waiver the Township may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving Compliance. In granting any special agreement or waiver, the Township may impose any other conditions deemed necessary to implement the purposes of this Part 4.

D. If granting a special agreement or waiver would result in increased costs to the Township or Borough (e.g. treatment, monitoring, sludge disposal costs), the Township may condition the special agreement or waiver upon the agreement of the Industrial User to pay those costs, and to provide security adequate in the judgement of the Township to assure payment of said costs.

(Ord. 5-20-99, 5/20/99, §2)

Part 5

Industrial Pretreatment/Altoona Sewage Collection System

§501. Establishment of Industrial Pretreatment Program in the Township of Logan.

1. All prohibitions, requirements and procedures required of Industrial and Commercial Users of the Township Sewer System, discharging to the Easterly and/or Westerly Wastewater Treatment Facility, shall be identical to those adopted in March 1988 by the ACA and as amended from time to time.

2. The Township agrees to adopt by Ordinance or Resolution such policy amendments as may be necessary to continue implementation of the Industrial Pretreatment Program and control discharges to the collection system for Commercial and/or Industrial Users of the Township Sewer System, discharging to the Easterly and/or Westerly Wastewater Treatment Facility. Such ordinances or resolutions shall be prepared by the ACA Pretreatment Office and forwarded to the Township for adoption to maintain the compatibility with the ACA's original Wastewater System Regulations.

3. The Township Ordinances or Resolutions shall authorize the ACA to develop specific discharge limitations and local limits and shall authorize those limitations and local limits to be applicable to Commercial and Industrial Users located in the Township and discharging to the Easterly and/or Westerly Wastewater Treatment Facility.

(Ord. 07-15-99, 7/15/99, §2)

§502. Administration and Implementation of the Pretreatment Program by the Altoona City Authority.

1. The Township agrees that any authorized representative or agent of the ACA may enter and inspect any part of the Township Sewer System for Commercial and/or Industrial Users of the Township Sewer System, discharging to the Easterly and/or Westerly Wastewater Treatment Facility, and may take wastewater samples and/or flow measurements. In addition, any authorized representative or agent of the ACA may enter and inspect commercial and industrial premises in the Township that discharges, directly or indirectly, into the Township Sewer System, which discharges to the Easterly and/or Westerly Wastewater Treatment Facility, and take wastewater samples and/or flow measurements.

2. The Township hereby appoints and designates the ACA, and its duly authorized representatives, to be the Township's representatives for the purpose of implementing, administering and enforcing the provisions of the Township Ordinances or Resolutions in regard to the Commercial and Industrial Users of the Township Sewer System. The ACA shall, in order to ensure compliance of Commercial and Industrial Users with the Township Ordinances or Resolutions, issue permits, letters, notices, reports, orders, compliance schedules and other documents notifying, requiring a response, or requiring compliance with the Township Ordinances or Resolutions for Commercial and/or Industrial Users of the Township Sewer System, discharging to the Easterly and/or Westerly Wastewater Treatment Facility. All such actions taken by the ACA in the administration, implementation, and

enforcement of the Industrial Pretreatment Program established by the Township Ordinances or

Resolutions shall be and hereby expressly are accepted and acknowledged as actions in the name of and as an agent of the Township. Provided, however, that the authority to enforce the applicable Township Ordinances or Resolutions against Commercial and Industrial Users through the assessment of penalties shall not be invoked by the ACA except as set forth in Section 503 herein.

3. The ACA may seek injunctive relief against any Commercial or Industrial User located in the Township and discharging, directly or indirectly, into the Township Sewer System which discharges into the Easterly and/or Westerly Wastewater Treatment Facility, if such Commercial or Industrial User's discharge reasonably appears to present an imminent danger to the health or welfare of persons, or the environment; or if this discharge interferes or threatens to interfere with the operation of the Easterly and/or Westerly Wastewater Treatment Facility; or if violations of the Industrial Wastewater Contribution Permit conditions as authorized by the Township Ordinances or Resolutions or the ACA's Wastewater System Regulations has occurred or is reasonably expected to occur. The ACA may seek equitable relief against any Commercial or Industrial User of the Township Sewer System, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility if it believes that acts or omissions by the Commercial or Industrial User have caused or have the potential to cause harm to any part of the Township Sewer System, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility. Any actions at law or in equity initiated by the ACA against a Commercial or Industrial User in the Township, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility of the Township Sewer System in furtherance of the provisions of the Ordinances or Resolutions shall not be contested or intervened by the Township, except in support of the ACA.

4. The Township, if required by the ACA, shall act in concert with and in support of the ACA in implementing, administering and enforcing the provisions of the Township Ordinances or Resolutions. The Township agrees that they shall not hinder, delay or obstruct the efforts of the ACA in implementing the provisions of the applicable Ordinances or Resolutions.

5. The Township agrees and hereby covenants to provide information to the ACA regarding changes in the list of Commercial and Industrial Users connected to the Township Sewer System, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility, upon request from the ACA. Such information shall include new Commercial or Industrial Users, Commercial or Industrial Users that have been disconnected or have gone out of business, changes in ownership of existing Commercial or Industrial Users, or other similar information readily available to the Township.

(Ord. 07-15-99, 7/15/99, §2)

§503. Enforcement of Pretreatment Ordinances and Resolutions.

1. The Township recognizes its obligation to enforce its Township Ordinances and Resolutions, and the Township hereby covenants that it will enforce its Ordinance or Resolution. The Township also recognizes that the ACA, as the author of the Industrial Pretreatment Program, has knowledge regarding the intent and interpretation of the Wastewater System Regulations which includes the Industrial Pretreatment Program and requirements. In addition, the Township, intending

to ensure that all Commercial and Industrial Users, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility, are treated equitably, recognizes that guidance from the

ACA may be necessary to achieve such a goal. Therefore, the Township agrees that it will coordinate its enforcement actions by means of the provisions of Paragraph 4 of this Section 503.

2. If the ACA determines that the Township, through action or inaction, has hindered the proper operation, administration or enforcement of the Industrial Pretreatment Program in the Altoona City Sewer District and the Innovative and Alternative Sewer District of Logan Township, and following notice by the ACA of such hindrance, the Township fails to remedy the identified condition, the ACA may invoke its authority to enforce the provisions of the Township ordinance or resolutions as provided in Paragraph 2 of Section 502, and thereafter enforce the Industrial Pretreatment Program in the Altoona City Sewer District and the Innovative and Alternative Sewer District of Logan Township, and all the provisions of this Part 5, including the imposition of various penalties on Commercial and Industrial Users located within the Township, which discharges into the Easterly and/or Westerly Wastewater Treatment Facility. Alternatively or simultaneously, the ACA may develop a remedial plan, containing a description of the nature of the problem, an enumeration of the remedial steps to be taken by the Township, and a time schedule for implementing each step. If the Township fails or refuses to satisfy the terms of such a plan, the ACA may induce fines and/or institute a Show Cause Hearing as specified in the ACA Wastewater System Regulations.

3. It is agreed that enforcement of this Part 5 in respect to Persons not otherwise considered Commercial or Industrial Users is the responsibility of the Township, and the ACA is not authorized to enforce the Township Ordinances or Resolutions in such instances, nor may it invoke its status as an agent to enforce Township Ordinances or Resolutions against Persons not otherwise considered Commercial or Industrial Users. Provided, however, that the ACA retains its legal rights to seek appropriate equitable or judicial relief for grievances against all Persons as provided by law.

4. The ACA shall provide guidance and coordination to the Township so as to ensure that the provisions of the Industrial Pretreatment Program are enforced uniformly and equitably. The Township agrees that it shall consult the ACA in the enforcement of the Township Ordinances or Resolutions to ensure that enforcement actions taken by one are consistent with the other. The ACA shall make available upon request by the Township, for examination and copying, all records and documents pertaining to the enforcement of the Industrial Pretreatment Program in the Altoona City Sewer District of Logan Township. The Township agrees that it shall advise the ACA of all actions taken in the enforcement of the Township Ordinances or Resolutions, and, upon request from the ACA shall provide copies of all relevant documents in regard to enforcement of such Ordinances or Resolutions.

(Ord. 07-15-99, 7/15/99, §2)

§504. Fees and Costs.

1. In order to recover costs for sampling, analysis, surcharges, permit application fees, and fines for enforcing the Industrial Pretreatment Program, the ACA shall assess and collect fees of Commercial and Industrial Users located within the Township per the ACA's Wastewater Charge

System. Such fees are considered separate from the user fees established by the Township and shall be billed directly to Logan Township for those Commercial and Industrial Users.

2. The ACA will maintain the Wastewater Charge System which lists a fee schedule and provides for fees and surcharges for the acceptance and treatment of wastewater containing amounts of compatible pollutants in excess of those normally discharged by Commercial and Industrial Users to the Easterly and/or Westerly Wastewater Treatment Facilities.

(Ord. 07-15-99, 7/15/99, §2)